Supreme Court, U. S.
FILED
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MICHAEL RODAK, JR., CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1972

No. 72-1410

JOEL EDELMAN, DIRECTOR OF ILLINOIS DEPARTMENT OF PUBLIC AID, AND SUCCESSOR TO EDWARD WEAVER, FORMER DIRECTOR OF PUBLIC AID,

Petitioner,

vs.

JOHN JORDAN, et al.,

Respondent.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

APPENDIX

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PETITION FOR CERTIORARI FILED APRIL 16, 1973
CERTIORARI GRANTED JUNE 11, 1973

INDEX

1. Chronological List of relevant Docket Entries. 1

2. Plaintiff's complaint for Declaratory Judgment, Equitable and Other Appropriate Relief, Filed January 12, 1971 4

3. Motion for Temporary Restraining Order and Affidavit of Jeanette Bryant, Filed January 14, 1971 17

4. Order In Rodriquez v. Swank, attached as Exhibit B to Memorandum in Support of Plaintiff's Motion for Temporary Restraining Order, Filed January 14, 1971 22

5. Analysis of Registered Applications Pending Investigation, Cook County Department of Public Aid, November 1970, attached as Exhibit D to Memoradnum in Support of Plaintiffs' Motion for Temporary Restraining Order, Filed January 14, 1971 30

6. Temporary Restraining Order, Filed January 21, 1971..... 31

7. Amended Complaint for Declaratory Judgment, Equitable and other Appropriate Relief, Filed January 28, 1971 37

8. Answer of Defendants Daniel and Barrett to Plaintiffs' Amended Complaint, Filed February 16, 1971 49

9. Analysis of Registered Applications Pending Investigation Cook County Department of Public Aid, December, 1970 and January, 1971, Filed March 17, 1971 56

10. Answer of Defendant Swank to Plaintiffs' Amended Complaint, Filed March 22, 1971 58

11. Request to Defendant Swank for Production of Documents, Filed March 29, 1971 63

12. Motion to Strike Certain Portions of Defendants' Answers, Filed April 5, 1971 67

13. Motion for Preliminary Injunction, Filed April 5, 1971..... 72

14. Minute Order Granting Motion to Strike Certain Portions of Defendants' Answer, Filed April 15, 1971 73

15. Preliminary Injunction, Order and Decree - April 16, 1971 .. 74

16. Motion for Order for Production of Documents, Filed June 23, 1971 80

17. Minute Order granting Motion for Order to Produce - June 23, 1971 84

18. Motion for Order that Facts be Taken as Established, Filed July 27, 1971 and Exhibit A, Handbook Transmittal No. 139, February 8, 1963, Department of Health, Education and Welfare 85

19. Minute Order Granting Motion that Facts be Taken as Established - July 27, 1971 89

20. Monthly Illinois Department of Public Aid Report of Disposed Applications at End of Month by Date of Application, May, 1971, Filed September 1, 1971..... 90

21. Cook County Department of Public Aid Inter-Office Memoradnum, Filed October 21, 1971 part of case record of Plaintiff Jordan attached as Exhibit to Plaintiffs' Motion for Summary Judgement, Permanent Injunction and Other Relief. 10

22. Defendants' Brief in Opposition to Motion of Plaintiffs for Summary Judgment, Permanent Injunction and Other Relief, Filed December 1, 1971 106

23. Adoption of Swank's Brief by Daniel and Cook County Department of Public Aid, Filed December 6, 1971..... 115

24. Memorandum Opinion and Order Granting Summary Judgment, Filed February 4, 1972 117

25. Judgment Order and Decree, Filed March 15, 1972 122

26. Illinois Department of Public Aid MAG Applications disposed by program; number and recent disposed by program, March, 1973 129

IN THE

Supreme Court of the United States

OCTOBER TERM, 1972

No. 72-1410

JOEL EDELMAN, DIRECTOR OF ILLINOIS DEPARTMENT OF PUBLIC AID, AND SUCCESSOR TO EDWARD WEAVER, FORMER DIRECTOR OF PUBLIC AID,

Petitioner,

VS.

JOHN JORDAN, et al.,

Respondent.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

APPENDIX

CHRONOLOGICAL LIST
OF RELEVANT DOCKET ENTRIES

January 12, 1971	Plaintiff's Complaint for Declaratory Judgment, Equitable and Other Appropriate Relief,
January 14, 1971	Motion for Temporary Restraining Order and Affidavit of Jeanette Bryant, Filed,
January 14, 1971	Order in Rodriguez v. Swank, attached as Exhibit B to Memorandum in Support of Plaintiffs' Motion for Temporary Restraining order, filed,
January 14, 1971	Analysis of Registered Applications Pending Investigation, Cook County Department of Public Aid, November 1970, attached as Exhibit D to Memorandum in Support of Plaintiffs' Motion for Temporary Restraining Order,
January 21, 1971	Temporary Restraining Order, Filed
January 28, 1971	Amended Complaint for Declaratory Judgment, Equitable and Other Appropriate Relief,
February 16, 1971	Answer to Defendants Daniel and Barrett to Plaintiffs' Amended Complaint, Filed
March 17, 1971	Analysis of Registered Applications Pending Investigation, Cook County Department of Public Aid, December, 1970 and January, 1971,
March 22, 1971	Answer of Defendant Swank to Plaintiffs' Amended Complaint,
March 29, 1971	Request to Defendant Swank for Production of Documents,
April 5, 1971	Motion to Strike Certain Portions of Defendants' Answers,

April 15, 1971	Motion for Preliminary Injunction, Filed,
April 15, 1971	Minute Order Granting Motion to Strike Certain Portions of Defendants' Answer
April 16, 1971	Preliminary Injunction, order and decree.
June 23, 1971	Motion for Order for Porduction of Documents,
June 23, 1971	Minute Order granting Motion for Order to Produce
July 27, 1971	Motion for Order that Facts be Taken as Established, Filed July 27, 1971 and Exhibit A, Handbook Transmittal No. 139, February 8, 1963, Department of Health, Education and Welfare
July 27, 1971	Minute Order Granting Motion that Facts be Taken as Established -
September 1, 1971	Monthly Illinois Department of Publid Aid Report of Disposed Applications at End of Month by Date of Application, May, 1971,
October 21, 1971	Cook County Department of Public Aid Inter-Office Memorandum, filed October 21, 1971, part of case record of Plaintiff Jordan attached as Exhibit to Plaintiffs' Motion for Summary Judgment, Permanent Injunction and other relief.
December 1, 1971	Defendants' Brief in Opposition to Motion of Plaintiffs for Summary Judgment, Permanent Injunction and other relief,
December 6, 1971	Adoption of Swank's Brief by Daniel and Cook County Department of Public Aid, filed December 6,
February 4, 1972	Memorandum Opinion and Order Granting Summary Judgment, Filed February 4, 1972

March 1, 1973	Illinois Department of Public Aid MAG Application disposed by program, number and percent disposed by program,

ADDITION TO RELEVANT DOCKET ENTRIES

March 24, 1972	Defendants' Notice of Appeal
April 7, 1972	Plaintiff's Notice of Cross Appeal
January 18, 1973	Opinion and Order
May 22, 1973	Application for Stay Pending Petition for Certiorari
May 29, 1973	Objections by Plaintiff to Application for Stay Pending Appeal
May 31, 1973	Stay Pending Application for Certiorari denied by the Seventh Circuit Court of Appeals. Stay Pending Appeal granted by Supreme Court with respect to Paragraphs 5 and 6 of Final Judgment and Decree

DOCKETED

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

71 JAN 12 AM 11 00

CLERK
U.S. DISTRICT COURT

JOHN JORDAN, by his next friend, JEANETTE BRYANT, individually and on behalf of all other persons similarly situated,

Plaintiffs,

vs.

HAROLD O. SWANK, Director, Illinois Department of Public Aid; DAVID DANIEL, Director, Cook County Department of Public Aid; EDWARD J. BARRETT, Comptroller of Cook County, individually and in their official capacities,

Defendants,

71 C 70

COMPLAINT FOR DECLARATORY JUDGMENT EQUITABLE, AND OTHER APPROPRIATE RELIEF

PRELIMINARY STATEMENT

1. Plaintiff, individually and on behalf of all other persons similarly situated, seeks primarily to have this Court declare mandatory and binding on the defendants federal regulations requiring all applications for Aid to the Aged, Blind and Disabled (AABD) to be acted upon within thirty days from the date of application, and requiring actual receipt of payment within thirty days for those determined eligible, and further declaring void all state statutes and regulations inconsistent with said mandatory federal regulations. Plaintiff also seeks

a declaration that the Illinois Public Aid Code, ch. 23, Section 3-1, Ill.Rev.Stat., federal law, 45 C.F.R. § 233.20(a)(1)(2)(iii), and equal protection of the laws as guaranteed by the fourteenth amendment to the United States Constitution, require AABD to be paid from the date of application if the applicant meets the eligibility conditions at the time of application.

JURISDICTION

2. Jurisdiction is conferred on this court by 28 U.S.C. § 1343(3)(4) and by 28 U.S.C. § 1331. The amount in controversy, exclusive of interest and costs, exceeds the sum or value of $10,000.00.

3. Plaintiff's action for declaratory and injunctive relief, and for benefits wrongfully withheld is authorized by:

(a) 28 U.S.C. §§ 2201, 2202 and Rule 57 of the Federal Rules of Civil Procedure, which relate to declaratory judgments;

(b) 42 U.S.C. § 1983 which provides redress for the deprivation under color of law of rights, privileges, and immunities secured by the Constitution and laws of the United States.

PLAINTIFFS

4. The named plaintiff, John Jordan, age sixty-one, lives at 4241 W. Calumet, Chicago, Illinois, in a room of the apartment of Jeanette Bryant.

5. John Jordan has a substantial mental deficiency

and functions at the level of a small child. Jeanette Bryant generally supervises most matters affecting the everyday life of John Jordan.

CLASS ACTION

6. The named plaintiff brings this action on his own behalf and pursuant to Rule 23(a) and (b) of the Federal Rules of Civil Procedure, on behalf of all other persons similarly situated.

DEFENDANTS

7. Defendants are as follows: (a) Harold O. Swank, is the Director of the Illinois Department of Public Aid and is charged with statewide administration of the public assistance programs, including Aid to the Aged, Blind and Disabled, and with establishing regulations to carry out the statutory provisions of such programs; (b) David Daniel is the Director of the Cook County Department of Public Aid, an agency of the Illinois Department of Public Aid, and is responsible for administering the public assistance programs in Cook County; and (c) Edward J. Barrett, is the Comptroller of Cook County, responsible for the signing of emergency welfare checks.

FACTUAL ALLEGATIONS

8. John Jordan has a substantial mental impairment and functions at the level of a small child. He is unable to

read or to recognize and count money. His intelligence is so limited that he requires supervision in most matters affecting his everyday life. His mental impairment is of a permanent nature and substantially impairs his ability to perform labor or services or to engage in any useful occupation.

9. On or about September 18, 1970 John Jordan applied for Aid to the Disabled at the Oakland office of the Cook County Department of Public Aid.

10. At the time of his application for Aid to the Disabled John Jordan met all of the eligibility conditions for Aid to the Disabled, and he still meets said eligibility conditions, and is in all ways qualified for such assistance.

11. John Jordan, or friends acting on his behalf, have cooperated with the Cook County Department of Public Aid in all respects and have furnished all information requested by the Cook County Department of Public Aid and its employees.

12. The Cook County Department of Public Aid has yet to act on John Jordan's application for Aid to the Disabled and John Jordan has not received any such assistance from the defendants as of the date of filing this law suit.

13. The sole reason for the delay is that the case-worker of the Cook County Department of Public Aid assigned to John Jordan's application has not had time to act on John Jordan's application.

14. John Jordan has no income or assets except for

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he approximately $2.00 he earns by working at a drugstore one ay a week and other infrequent odd jobs involving manual labor.

15. John Jordan is in dire need of monetary and edical assistance. He does not eat properly and is suffering rom malnourishment because of lack of sufficient funds and is resently sick with a cold and cough and in need of medical are. Also he lacks vision in one eye and needs to be fitted or glasses.

16. Because his application for Aid to the Disabled as not been acted upon and approved, John Jordan has suffered nd will continue to suffer irreparable injury, loss, and amage because of the lack of adequate funds to purchase those ecessities requisite for a minimum standard of life compatible ith health and well-being.

COUNT I

17. Count I is brought as a class action by the named laintiff on his own behalf and on behalf of all other persons imilarly situated pursuant to Rule 23(a) and (b) of the Federal ules of Civil Procedure. The class is composed of all persons n Illinois eligible for Aid to the Aged, Blind, or Disabled, hereinafter "AABD") who are required by defendants to wait onger than 30 days after application for a determination of [illegible]

claims of plaintiff are typical of the claims of the class. Plaintiffs will fairly and adequately protect the interests of the class.

18. Illinois participates in the Federal government's Program of Aid to the Aged, Blind, and Disabled (AABD), established by the Social Security Act, 42 U.S.C. Subchapter XVI, §§ 1381 et. seq. As a condition thereof, Illinois is required to conform with the requirements of the Social Security Act and regulations promulgated thereunder by the United States Department of Health, Education and Welfare.

19. The Social Security Act provides that

> "all individuals wishing to make application under the (AABD) plan shall have opportunity to do so and that such aid or assistance shall be furnished with reasonable promptness to all eligible individuals." 42 U.S.C. § 1382(a)(8).

20. At all times relevant herein, the regulations of the Department of Health, Education and Welfare have required that action on applications for AABD be taken within thirty days, including, for those determined eligible, the actual receipt of AABD assistance. Handbook of Public Assistance Administration, Part IV, Section 2200(b)(3)(4), 2300(b)(3)(5).

21. The defendants maintain that these abovementioned regulations are not mandatory and binding on them with respect to AABD applications.

22. As of the end of November, 1970, approximately 30% of the applications for AABD pending at the Cook County

Department of Public Aid had been pending longer than 30 days.

23. The rules and regulations of the defendant Illinois Department of Public Aid with respect to time standards for processing of AABD applications, Illinois Categorical Assistance Manual, Sections 4004-4004.3, are in violation of the requirements of the Social Security Act and regulations quoted above in paragraphs 19 and 20.

24. Further, at all times relevant herein, Section 8255 (and subsections thereunder), Illinois Department of Public Aid, Categorical Assistance Manual, has provided that initial grants (including AABD) may be authorized only for the month in which the application has been approved, but not for any prior months.

25. Pursuant to Section 8255, Illinois Categorical Assistance Manual, plaintiff John Jordan is barred from receiving AABD benefits for October, November, and December, 1970 in violation of the Social Security Act and regulations quoted above in paragraphs 19 and 20.

26. By failing to follow the "30 day requirement" of federal law, the defendants and their agents acting under color of state law, have unlawfully deprived plaintiffs of AABD assistance and their rights under the Social Security Act and the regulations issued pursuant thereto.

27. No adequate administrative remedy or remedy at law is available to the plaintiffs.

28. Plaintiffs have suffered irreparable damage to their health and well-being and will continue to suffer severe

and irreparable injury because of the failure of defendants and their agents to comply with the "30 day requirement."

COUNT II

29. Count II is brought as a class action by the named plaintiff on his own behalf and on behalf of all other persons similarly situated pursuant to Rule 23(a)(b) of the Federal Rules of Civil Procedure. The class is composed of all applicants for AABD in Illinois who meet the eligibility requirements when they apply but are denied benefits for the intervening period from the date of application to the month in which their grant is authorized. This class is so numerous that joinder of all members is impractical. There are questions of law and fact common to the class. The claims of plaintiff are typical of the claims of the class. Plaintiffs will fairly and adequately protect the interests of the class.

30. Some eligible applicants for AABD similarly situated to John Jordan applied for AABD benefits in September, 1970, and were determined eligible in said month and began receiving assistance in and for said month.

31. Some eligible applicants similarly situated to John Jordan applied for AABD benefits in September, 1970, and were determined eligible in October, some were determined eligible in November, and some were determined eligible in December, and as a consequence, said applicants began receiving assistance in and for October, November, and December respec-

tively, but not for any period prior to the month in which they were determined eligible.

32. By delaying determinations of eligibility, the defendants lessen expenditures to the needy for basic subsistence payments.

33. To condition the date upon which AABD benefits begin to the speed of the administrative process, is to establish wholly arbitrary and invidious classifications between similarly situated, equally needy persons.

34. Section 8255 of the Illinois Categorical Assistance Manual is invalid and unconstitutional on its face and as applied to plaintiffs in violation of the equal protection clause of the fourteenth amendment to the Constitution of the United States.

35. The policy of the defendant Illinois Department of Public Aid, and the practices of its 102 agent County Departments of Public Aid throughout the State of Illinois, do not require AABD assistance be paid from the date of application when the applicant meets all of the eligibility conditions at that time.

36. The policy and practices of the defendants described in paragraph 35 above and in this Count are in violation of the Social Security Act, 42 U.S.C. § 1381 et. seq. and federal regulations issued thereunder, 45 C.F.R. § 233.20 (a)(1)(2)(iii), and Department of Health, Education and Welfare,

Handbook of Public Assistance Administration, Part II, § 3300, § 4300.

37. The policy and practices of the defendants described in paragraph 35 above and in this Count are in violation of the Illinois Public Aid Code, ch. 23, Section 3-1, Ill.Rev.Stat. which provides that financial aid

> "shall be given under this Article to or in behalf of aged, blind, or disabled persons who meet the eligibility conditions..."

38. Plaintiffs have suffered and will continue to suffer irreparable injury to their health and well-being because of the policy and practice of the defendants described in paragraph 35 above and in this Count.

39. No adequate administrative remedy or adequate remedy at law is available to plaintiffs.

WHEREFORE, plaintiff respectfully prays, on behalf of himself and all others similarly situated, that this Honorable Court:

1. Enter a temporary restraining order enjoining the defendants, their successors in office, agents, and employees, and all other persons in active concert and participation with them, from continuing to cause irreparable harm to plaintiff and other persons similarly situated by failing to comply with the requirement for making determinations of eligibility for AABD applicants within 30 days and sending checks to those determined eligible within that same 30 day period.

2. Enter preliminary and permanent injunctions enjoining defendants, their successors in office, agents and employees, and all other persons in active concert and participation with them, from failing to comply with the federal "30 day requirement" with respect to applicants for AABD.

3. Enter a final judgment declaring Illinois Categorical Assistance Manual Sections 4004 and 8255 (and subsections thereunder) as applied to applicants for AABD invalid insofar as they are inconsistent with the Social Security Act and regulations issued pursuant thereto.

4. Enter a final judgment declaring that the Illinois Public Aid Code, ch. 23, Sections 3-1, Ill.Rev.Stat., the Social Security Act and regulations thereunder, and equal protection of the laws as guaranteed by the fourteenth amendment to the United States Constitution require that applicants for AABD who meet the eligibility conditions for AABD at the time of their application are entitled to AABD benefits from the date of application.

5. Enter a permanent injunction enjoining the defendants to award to the entire class of plaintiffs all AABD benefits wrongfully withheld.

6. Allow punitive damages in the amount of $100,000.00 against Harold O. Swank.

//

7. Allow plaintiff his costs herein, and also grant him and all persons similarly situated, such additional or alternative relief as may seem to this Court to be just, proper and equitable.

Respectfully submitted,

Sheldon Roodman

Kenneth K. Howell

Sheldon Roodman
Kenneth K. Howell
Community Legal Counsel
116 South Michigan Avenue
Chicago, Illinois 60603
726-0157

Attorneys for Plaintiffs

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED
JAN 14 1971
H. STUART CUNNINGHAM
At _____ o'clock
CLERK

IN JORDAN, by his next friend
ARETTE BRYANT, individually
d on behalf of all other
rsons similarly situated,

Plaintiffs,

vs.

NO. 71 C 70

ROLD O. SWANK, Director,
linois Department of Public
d; DAVID DANIEL, Director,
ok County Department of
blic Aid; EDWARD J. BARRETT,
mptroller of Cook County,
dividually and in their
fficial capacities,

Defendants.

MOTION FOR A TEMPORARY RESTRAINING ORDER

Plaintiff, JOHN JORDAN, on his own behalf and on behalf of all other persons similarly situated, by his attorneys, SHELDON ROODMAN and KENNETH HOWELL, respectfully moves for the entry of a temporary restraining order enjoining the defendants, their successors in office, agents and employees, and all persons in active concert and participation with them, from failing to make determinations of eligibility or ineligibility for applicants for Aid to the Aged, Blind, or Disabled (hereinafter "AABD") within thirty days from the date of application, and from failing to provide the first AABD check within thirty days from the date of

application for those determined eligible for AABD, such check covering the full amount of the AABD entitlement had the application been acted upon within 30 days as required by federal law.

Further, the named plaintiff, John Jordan, respectfully moves for the entry of a temporary restraining order enjoining the defendant Cook County Department of Public Aid and its employees from failing to make a determination of eligibility on his application for AABD any later than 4:30 P.M., Friday, January 15, 1971, and in the event his application is approved, enjoining the defendants to issue no later than 4:30 P.M., Friday, January 15, 1971 a check for the full amount of his AABD entitlement had his application been acted upon within the maximum thirty day time period.

In support of this motion, plaintiff submits the affidavit of Jeanette Bryant, attached hereto, and a supporting memorandum of law with exhibits attached thereto.

Respectfully submitted

Sheldon Roodman
one of the Attorneys for the Plaintiffs

Sheldon Roodman
Kenneth K. Howell
Community Legal Counsel
116 South Michigan Avenue
Chicago, Illinois 60603

726-0157

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JOHN JORDAN, by his next friend, JEANETTE BRYANT, individually and on behalf of all other persons similarly situated,

Plaintiffs.

vs.

No. 71 C 70

HAROLD O. SWANK, Director, Illinois Department of Public Aid; DAVID DANIEL, Director, Cook County Department of Public Aid; EDWARD J. BARRETT, Comptroller of Cook County, individually and in their official capacities,

Defendants.

STATE OF ILLINOIS)
) SS.
COUNTY OF C O O K)

AFFIDAVIT OF JEANETTE BRYANT

I, JEANETTE BRYANT, being first duly sworn, deposes and says:

1. My name is Jeanette Bryant and I live at 4241 South Calumet, Chicago, Illinois

2. John Jordan, age sixty one, is a roomer in my apartment at 4241 S. Calumet, Chicago, Illinois, and has been for over three years.

3. John Jordan has a substantial mental deficiency and functions at the level of a small child. He is unable to read or to recognize or count money. His intelligence is so limited that he requires supervision in most matters affecting his every day life. I have cared for John Jordan with the

assistance of the Progressive Baptist Church and some members thereof.

4. On or about September 18, 1970, John Jordan applied for disability assistance at the Oakland Office of the Cook County Department of Public Aid.

5. A caseworker from the Cook County Department of Public Aid, Anna Marie McCarthy, came to my apartment in November for a home visit in connection with John Jordan's application for disability assistance.

6. I and John Jordan have cooperated in every way possible with any and all requests of the Cook County Department of Public Aid and its employees.

7. John Jordan has no income or assets except for approximately $2.00 he earns by working at a drugstore one day a week and other occasional odd jobs.

8. The Cook County Department of Public Aid has yet to act on the application for disability assistance of John Jordan and John Jordan has not received any such assistance from the Department of Public Aid to date. Anna Marie McCarthy, the caseworker for John Jordan, has informed me that she is extremely busy and has not had time to act on John Jordan's application.

9. John Jordan is in dire need of monetary assistance and medical assistance. He does not eat properly because of lack of sufficient funds and is presently sick with a cold and cough and in need of medical care. Also he lacks vision in one eye and needs to be fitted for glasses.

Jeanette E. Bryant
Jeanette Bryant

Subscribed and Sworn to Before
me this 11th day of January, 1971

Notary Public

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ADYS RODRIGUEZ, individually, and on behalf of her minor children, RAFAEL, FRANCISCO, ILLIAM, and MIGUEL RODRIGUEZ; and on behalf of all other persons similarly situated,	)
Plaintiffs,	)
S. LORENA SMITH, on behalf of her minor children, STEVEN KELLY, DEBRA KELLY, and RAYMOND KELLY, and on behalf of all other persons similarly situated,	)
Plaintiff-Intervenor,	)
vs.	) No. 69 C 2615
HAROLD O. SWANK, Director, Illinois Department of Public Aid; DAVID DANIEL, Director, Cook County Department of Public Aid; EDWARD J. BARRETT, Cook County Comptroller,	)
Defendants.	)

ORDER

This matter coming on to be heard pursuant to this Court's Memorandum Opinion of September 23, 1970, and Orders entered on such date denying all of the defendants' motion to dismiss, denying defendant Harold O. Swank's motion for judgment on the pleadings, and allowing both counts of plaintiffs' complaint to be maintained as a class action, and pursuant to the stipulation of facts entered by the parties hereto; and

EXHIBIT "B"

The Court having conferred with counsel for the parties nd having determined that the several provisions of this Decree re necessary to prohibit the future violation of the binding ederal thirty-day requirements and to remedy past violations of aid thirty-day requirements, to the end that plaintiffs and the lass of persons represented by them shall have the full equitble relief to which they are entitled,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

1. From the date of the issuance of this Decree, (a) defendant David Daniel, as Director of the Cook County Department of Public Aid, is enjoined, ordered, and directed, and (b) defendant Harold O. Swank, as Director of the Illinois Department of Public Aid, is enjoined, ordered, and directed to cause and order the one hundred two (102) County Departments of Public Aid in the State of Illinois: to make all determinations of eligibility or ineligibility for all applicants for Aid to Families with Dependent Children (AFDC) within thirty (30) days from the date of application, such applications being made either orally or in writing, whichever is made first, subject only to the exception in paragraph 5, infra. Further, (a) defendants David Daniel, as Director of the Cook County Department of Public Aid, and Edward J. Barrett, as Comptroller of Cook County, are hereby enjoined, directed, and ordered, and (b) defendant Harold O. Swank, as Director of the Illinois Department of Public Aid is hereby enjoined, ordered, and directed to cause and order the one hundred two (102) County Departments of Public Aid in the State of Illi-

[illegible] and their respective

office), or otherwise: to cause for those applicants determined eligible the receipt by said applicants of their first full AFDC check within thirty (30) days from the date of application, subject only to the exception in paragraph 5, infra.

2. (a) defendant David Daniel, as Director of the Cook County Department of Public Aid, is hereby enjoined, ordered, and directed; and (b) defendant Harold O. Swank, as Director of the Illinois Department of Public Aid, is enjoined, ordered, and directed to cause and order the one hundred two (102) County Departments of Public Aid in the State of Illinois: to make determinations of eligibility or ineligibility of all pending AFDC applications within thirty (30) days from the date of issuance of this Decree, subject only to the exception in paragraph 5, infra. Further, (a) defendants David Daniel, as Director of Cook County Department of Public Aid, and Edward J. Barrett, as Comptroller of Cook County, are hereby enjoined, directed, and ordered, and (b) defendant Harold O. Swank, as Director of the Illinois Department of Public Aid, is hereby enjoined, ordered, and directed to cause and order the one hundred two (102) County Departments of Public Aid in the State of Illinois, and their respective comptrollers (or his counterpart in office) or otherwise: to cause for those applicants determined eligible

d receipt by said applicants of their first full AFDC check hin thirty (30) days from the date of the issuance of this cree, subject only to the exception in paragraph 5, infra.

3. That the defendant Harold O. Swank, Director, Illis Department of Public Aid, be and is hereby mandatorily enined, ordered, and directed to award, within one hundred and nty (120) days from the date of the issuance of this Decree, ll applicants for AFDC in the one hundred two (102) counties Illinois who were determined eligible on or after December 18, 69, where such determinations were not made within thirty (30) ys from the date of application, AFDC assistance from the thirth (30th) day after the date of application to the date the plicant's entitlement to AFDC became effective. Such award of troactive payments will be mailed to those persons currently ceiving AFDC within one hundred twenty (120) days from the mance of this Decree with an explanatory letter, said letter ving been first approved by plaintiffs' attorney. Any award ceived pursuant to this paragraph shall not be deemed income resources under Article IV, Section 4-1.6 of the Illinois blic Aid Code. For those persons not presently receiving DC:

(a) A certified letter (return receipt requested), d letter having been first approved by plaintiffs' attorney, ll be sent to the last known address of the party, informing in concise and easily understandable terms that he is owed ward of retroactive assistance, with the amount specified,

the Department of Public Aid, and that he may claim such ount by contacting the County Department of Public Aid at a cified address, within forty-five (45) days from the receipt said letter.

(b) If the County Department of Public Aid has not ceived such a request for the award of retroactive payments thin forty-five (45) days from the date of the returned re-ipt, the right to said award of retroactive payment shall be rfeited and the file shall be closed.

4. From the date of the issuance of this Decree, the en-tlement of all eligible AFDC applicants in the State of Illi-is shall attach no later then the thirtieth (30th) day after e date of application. In any case in which eligibility is termined subsequent to the thirtieth (30th) day after the te of application, the applicant shall be entitled to AFDC sistance retroactive to the thirtieth (30th) day, subject ly to the exception in paragraph 5, infra. If the applicant denied AFDC assistance retroactive to the thirtieth (30th) y, pursuant to paragraph 5, infra, said applicant must receive written statement explaining (a) that this denial was based on e failure or delay on the part of the applicant to provide spe-fied essential information, and (b) that the applicant has the ght to appeal within sixty (60) days this decision of the unty Department of Public Aid.

5. The sole exception to the thirty-day requirement as fined in paragraphs I and 4 is in those cases where it is im-ssible to make a determination of eligibility because of fail-

laintiffs' attorney a detailed statement as to the method for effectuating the relief required by paragraph 3, supra of this Decree. Any disputes between the parties as to whether the procedures and steps outlined by the defendant will fulfill the requirements of this Decree will be resolved by the Court.

10. Within forty-five (45) days from the date of this Decree, defendant Harold O. Swank shall submit to the Court and to the plaintiffs' attorney for the most recent full month a chart detailing the number of AFDC applications disposed of by length of time since date of application, for each county in the State of Illinois. This same information shall be provided to the Court and to the plaintiffs' attorney for each of the six months following the month in which this Decree is granted. Defendant David Daniel shall submit to the Court and to the plaintiffs' attorney for each of the six months following the month which this Decree is granted the chart, Analysis of Registered Applications Pending Investigation, Source: Cook County Department of Public Aid - Form CCDPA-264.

11. Defendant Harold O. Swank is directed to provide copies of this Decree to each County Department of Public Aid in the State of Illinois and to issue an Official Bulletin of the Illinois Department of Public Aid incorporating the provisions of this Decree within five (5) days from the entry thereof.

12. The relief required by paragraph 3 of this Decree shall be stayed pending any appeals in this cause. No later than one hundred twenty (120) days from the date the relief required by

r delay on the part of the applicant to provide essential
rmation; in such instances, the case record must show that
delay or failure results from circumstances within the appli-
's control and understanding. In the future, abuse of the
e exception to circumvent the thirty-day action requirement
l be viewed as a violation of this Decree.

6. Plaintiff Gladys Rodriguez and her minor children,
el, Francisco, William, and Miguel Rodriguz are entitled to
ward of AFDC assistance for the period from October 17, 1969,
November 30, 1969, inclusive. Plaintiff Mrs. Loretha Smith,
behalf of her minor children Steven Kelly, Debra Kelly, and
ond Kelly, is entitled to an award of AFDC assistance for
period from September 20, 1969, to December 12, 1969, in-
sive.

7. Section 8255.1 of the Illinois Categorical Assistance
al of the Illinois Department of Public Aid shall not be a
to the award of retroactive payments in accordance with the
s of this Decree, and further, that section shall be deemed
l and void and there shall be no bar to the award of assis-
e retroactive to the thirtieth day from the date of applica-

8. Article IV, Section II-8 of the Illinois Public Aid
shall not be a bar to any relief afforded by paragraph 3
this Decree.

9. Within fifteen (15) days from the date of this Decree,
ndant Harold O. Swank shall submit to the Court and the

paragraph 3 becomes effective, defendant Harold O. Swank shall submit to the Court an affidavit to the effect that the awards and letters required under paragraph 3 have in fact been mailed.

13. This Decree shall be binding upon Harold O. Swank, David Daniel, Edward J. Barrett, the Illinois Department of Public Aid, the Cook County Department of Public Aid, and the Cook County Comptroller's Office, their officers, agents, servants, employees, and their successors, and upon those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise.

14. This Court shall retain continuing jurisdiction over this cause for all purposes.

Enter:

/s/ Roger J. Kiley
Roger J. Kiley, Judge
United States Court of Appeals

BERNARD M. DECKER
/s/ Bernard M. Decker
Bernard M. Decker, Judge
United States District Court

/s/ Hubert L. Will
Hubert L. Will, Judge
United States District Court

DATED: OCT 28 1970

ANALYSIS OF REGISTERED APPLICATIONS PENDING INVESTIGATION
SOURCE: COOK COUNTY DEPARTMENT OF PUBLIC AID - FORM CCPA-264
NOVEMBER, 1970

APPLICATIONS PENDING INVESTIGATION	TOTAL		ADDAMS		ALTGELD		CABRINI		ENGLEWOOD		GARFIELD		HOMER		KENWOOD	
	NUMBER	PERCENT OF TOTAL	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
TOTAL	3,848	100.0	11	100.0	7	100.0	15	100.0	159	100.0	22	100.0	3	100.0	381	100.0
ADC	376	100.0	2	100.0	1	100.0	12	100.0	15	100.0	1	100.0	-	-	7	100.0
AABD(A)	368	100.0	2	100.0	1	100.0	-	-	33	100.0	-	-	-	-	39	100.0
AABD(B)	36	100.0	-	-	1	100.0	-	-	1	100.0	3	100.0	-	-	5	100.0
AABD(D)	1,791	100.0	7	100.0	4	100.0	3	100.0	110	100.0	18	100.0	3	100.0	330	100.0
GA	1,277	100.0	-	-	-	-	-	-	-	-	-	-	-	-	-	-
LESS THAN 1 MONTH	1,430	37.2	2	18.2	3	42.8	14	93.3	28	17.6	5	22.7	-	-	16	4.2
ADC	359	95.5	2	100.0	1	100.0	12	100.0	15	100.0	1	100.0	-	-	7	100.0
AABD(A)	50	13.6	-	-	1	100.0	-	-	5	15.2	-	-	-	-	1	2.6
AABD(B)	4	11.1	-	-	1	100.0	-	-	-	-	1	33.4	-	-	-	-
AABD(D)	173	9.7	-	-	-	-	2	66.7	8	7.3	3	16.7	-	-	8	2.4
GA	844	66.1	-	-	-	-	-	-	-	-	-	-	-	-	-	-
1 MONTH AND LESS THAN 6 MONTHS	1,859	48.3	9	81.8	2	28.6	1	6.7	98	61.6	9	40.9	2	66.7	259	68.0
ADC	17	4.5	-	-	-	-	-	-	-	-	-	-	-	-	-	-
AABD(A)	235	63.9	2	100.0	-	-	-	-	21	63.6	-	-	-	-	28	71.8
AABD(B)	20	55.6	-	-	-	-	-	-	1	100.0	1	33.3	-	-	3	60.0
AABD(D)	1,231	68.7	7	100.0	2	50.0	1	33.3	76	69.1	8	44.4	2	66.7	228	69.1
GA	356	27.9	-	-	-	-	-	-	-	-	-	-	-	-	-	-
6 MONTHS AND OVER	559	14.5	-	-	2	28.6	-	-	33	20.8	8	36.4	1	33.3	196	27.8
ADC	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
AABD(A)	83	22.5	-	-	-	-	-	-	7	21.2	-	-	-	-	10	25.6
AABD(B)	12	33.3	-	-	-	-	-	-	-	-	1	33.3	-	-	2	40.0
AABD(D)	387	21.6	-	-	2	50.0	-	-	26	23.6	7	38.9	1	33.3	94	28.5
GA	77	6.0	-	-	-	-	-	-	-	-	-	-	-	-	-	-

EXHIBIT "D"
Page 1 of 8 Pages

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JOHN JORDAN, by his next friend, JEANETTE BRYANT, individually, and on behalf of all other persons similarly situated, Plaintiffs,	)	
vs.	)	No. 71 C 70
HAROLD O. SWANK, Director, Illinois Department of Public Aid; DAVID DANIEL, Director, Cook County Department of Public Aid; EDWARD J. BARRETT, Comptroller of Cook County, individually and in their official capacities, Defendants.	)	

ORDER

This cause coming on for hearing on plaintiffs' motion for a temporary restraining order, and the defendants having received notice and being represented by counsel, and the Court having considered the affidavits, exhibits, and memorandum presented by plaintiffs, and also the representations and arguments of counsel for all parties, and being fully advised in the premises; and

The following findings of fact have been admitted by the Cook County Department of Public Aid:

63

1. Plaintiff John Jordan applied to the Cook County Department of Public Aid on September 18, 1970, for Aid to the Disabled under the Aid to the Aged, Blind, and Disabled (hereinafter "AABD") program; and

2. As of January 14, 1971, the application of John Jordan for AABD had not yet been acted upon by the Cook County Department of Public Aid, and John Jordan had received no assistance whatsoever;

3. Plaintiff, John Jordan, age sixty-one, with the assistance of his friends, cooperated in all respects with the Cook County Department of Public Aid, furnished all information requested by the Cook County Department of Public Aid, and has been and is eligible for AABD.

4. Numerous other persons have made applications for AABD to the Cook County Department of Public Aid and many such applications have been pending in excess of thirty days from the date of application as to aged and blind under AABD and in excess of sixty days as to disabled under AABD, with a number having been pending longer than six months;

5. Defendant Harold O. Swank is the Director of the Illinois Department of Public Aid and is charged with statewide administration of the categorical aid programs, including Aid to the Aged, Blind and Disabled, and with establishing regulations to carry out the statutory provisions of such programs. Defendant David Daniel is the Director of the Cook County Department of Public Aid, an agency of the Illinois Department of Public

Aid, and is responsible for administering the categorical aid programs, including AABD, in Cook County. Defendant Edward J. Barrett is the Comptroller of Cook County, responsible for the signing of emergency welfare checks in Cook County; and

The Court further finding:

6. The named plaintiff has brought this action as a class action on his own behalf and on behalf of all other persons in Illinois eligible for AABD who are required by defendants to wait longer than thirty days after application, as to aged and blind under AABD, and longer than sixty days after application as to disabled under AABD, for a determination of eligibility and receipt of their first assistance check.

7. This class is so numerous that joinder of all members is impracticable. There are questions of law and fact common to the class. The claims of plaintiff are typical of the claims of the class. Plaintiffs will fairly and adequately protect the interests of the class. The defendants have acted or refused to act on grounds generally applicable to the class, thereby making appropriate injunctive relief with respect to the class as a whole.

8. Those persons composing this class are, and will continue to be, irreparable injured by the failure of the defendants to process their applications and to provide AABD assistance within the maximum time periods permissible under federal regulations. Plaintiff, John Jordan, does not have funds with

65

which to obtain proper and necessary food and clothing, and medical and dental care. The named plaintiff, John Jordan, is suffering, and will suffer immediate, certain, and irreparable injury by reason of the failure of the Cook County Department of Public Aid to approve his application and to provide him AABD.

CONCLUSIONS OF LAW

1. The Court has jurisdiction over the parties to this action and over the subject matter of the action.

2. The hereinabove findings of facts establish that the Cook County Department of Public Aid and the Illinois Department of Public Aid have not complied in Cook County with the Handbook of Public Assistance Administration, Part IV, Sections 2200(b)(3)(4), 2300(b)(3)(5), and the Court is at this time satisfied that plaintiffs are likely to prevail on the mandatory and binding nature of these regulations. Rodriguez v. Swank, 69 C 2615 (N. D. Ill., 1970) (three-judge court).

3. This action is properly maintainable as a class action. Federal Rules of Civil Procedure, 23(a) and (b).

4. Plaintiff and the class he represents will suffer immediate and irreparable injury if a temporary restraining order is denied.

5. Plaintiff and the class he represents are entitled to a temporary restraining order as hereinafter set forth.

The defendants hereby give their consent to the extension of this order until April 15, 1971. However, such consent to the extension of this order shall not be deemed to be a waiver by the defendants of any right to appeal this order or to move this Court at any time to vacate, stay, or dissolve this order.

Issued at 10:30 A.m., January 21 , 1971, nunc pro tunc, effective 12:01 p.m., January 15, 1971.

Alexander J. Karsh
United States District Judge

IT IS HEREBY ORDERED, ADJUDGED, and DECREED That the defendant David Daniel, as Director of the Cook County Department of Public Aid, and his employees are enjoined from failing to make a determination of eligibility on the AABD application of John Jordan any later than 4:30 p.m., Friday, January 15, 1971, and, in the event his application is approved, defendants are enjoined from failing to issue any later than 4:30 p.m., Friday, January 15, 1971, to John Jordan his AABD entitlement; and

IT IS FURTHER ORDERED That the defendants, their agents and employees, and all persons in active concert and participation with them, are hereby enjoined from failing to make determinations of eligibility and providing AABD assistance for those determined eligible, within thirty days from the date of application as to aged and blind applicants for AABD and within sixty days from the date of application as to disabled applicants for AABD in the State of Illinois except in those cases where it is impossible to make a determination of eligibility because of failure or delay on the part of the applicant to provide essential information within the applicant's control and understanding, pending final adjudication of this cause.

PROVIDED That defendants are hereby given until April 15, 1971, to act on all AABD applications now pending, and on all AABD (D) applications filed between the effective date of this Order and February 15, 1971, and on all AABD (A) and (B) applications filed between the effective date of this Order and March 15, 1971.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED

JAN 28 1971

H. STUART CUNNINGHAM
At _____ o'clock _____
CLERK

JOHN JORDAN, by his next friend, JEANETTE BRYANT, individually and on behalf of all other persons similarly situated,	)	
Plaintiffs,	)	
vs.	)	NO. 71 C 70
HAROLD O. SWANK, Director, Illinois Department of Public Aid; DAVID DANIEL, Director, Cook County Department of Public Aid; EDWARD J. BARRETT, Comptroller of Cook County, individually and in their official capacities,	)	
Defendants.	)	

AMENDED COMPLAINT FOR DECLARATORY JUDGMENT, EQUITABLE AND OTHER APPROPRIATE RELIEF

PRELIMINARY STATEMENT

1. Plaintiff, individually and on behalf of all other persons similarly situated, seeks primarily to have this Court declare mandatory and binding on the defendants federal regulations requiring (a) determinations of eligibility, and (b) actual receipt of Aid to the Aged, Blind and Disabled (hereinafter AABD) for those determined eligible, within thirty days from the date of application as to aged and blind applicants for AABD, and within sixty days from the date of application as to disabled applicants for AABD, and further declaring void all state statutes and regulations inconsistent with said mandatory federal regulations. Plaintiff also seeks

a declaration that the Illinois Public Aid Code, ch. 23, Section 3-1, Ill.Rev.Stat., federal law, 45 C.F.R. § 233.20(a)(1)(2)(iii), and equal protection of the laws as guaranteed by the fourteenth amendment to the United States Constitution, require AABD to be paid from the date of application if the applicant meets the eligibility conditions at the time of application.

JURISDICTION

2. Jurisdiction is conferred on this court by 28 U.S.C. § 1343(3)(4) and by 28 U.S.C. § 1331. The amount in controversy, exclusive of interest and costs, exceeds the sum or value of $10,000.00.

3. Plaintiff's action for declaratory and injunctive relief, and for benefits wrongfully withheld is authorized by:

(a) 28 U.S.C. §§ 2201, 2202 and Rule 57 of the Federal Rules of Civil Procedure, which relate to declaratory judgments;

(b) 42 U.S.C. § 1983 which provides redress for the deprivation under color of law of rights, privileges, and immunities secured by the Constitution and laws of the United States.

PLAINTIFFS

4. The named plaintiff, John Jordan, age sixty-one, lives at 4241 W. Calumet, Chicago, Illinois, in a room of the apartment of Jeanette Bryant.

5. John Jordan has a substantial mental deficiency

and functions at the level of a small child. Jeanette Bryant generally supervises most matters affecting the everyday life of John Jordan.

CLASS ACTION

6. The named plaintiff brings this action on his own behalf and pursuant to Rule 23(a) and (b) of the Federal Rules of Civil Procedure, on behalf of all other persons similarly situated.

DEFENDANTS

7. Defendants are as follows: (a) Harold O. Swank, is the Director of the Illinois Department of Public Aid and is charged with statewide administration of the public assistance programs, including Aid to the Aged, Blind and Disabled, and with establishing regulations to carry out the statutory provisions of such programs; (b) David Daniel is the Director of the Cook County Department of Public Aid, an agency of the Illinois Department of Public Aid, and is responsible for administering the public assistance programs in Cook County; and (c) Edward J. Barrett, is the Comptroller of Cook County, responsible for the signing of emergency welfare checks.

FACTUAL ALLEGATIONS

8. John Jordan has a substantial mental impairment and functions at the level of a small child. He is unable to

read or to recognize and count money. His intelligence is so limited that he requires supervision in most matters affecting his everyday life. His mental impairment is of a permanent nature and substantially impairs his ability to perform labor or services or to engage in any useful occupation.

9. On or about September 18, 1970 John Jordan applied for Aid to the Disabled at the Oakland office of the Cook County Department of Public Aid.

10. At the time of his application for Aid to the Disabled John Jordan met all of the eligibility conditions for Aid to the Disabled, and he still meets said eligibility conditions, and is in all ways qualified for such assistance.

11. John Jordan, or friends acting on his behalf, have cooperated with the Cook County Department of Public Aid in all respects and have furnished all information requested by the Cook County Department of Public Aid and its employees.

12. The Cook County Department of Public Aid has yet to act on John Jordan's application for Aid to the Disabled and John Jordan has not received any such assistance from the defendants as of the date of filing this law suit.

13. The sole reason for the delay is that the case-worker of the Cook County Department of Public Aid assigned to John Jordan's application has not had time to act on John Jordan's application.

14. John Jordan has no income or assets except for

the approximately $2.00 he earns by working at a drugstore one day a week and other infrequent odd jobs involving manual labor.

15. John Jordan is in dire need of monetary and medical assistance. He does not eat properly and is suffering from malnourishment because of lack of sufficient funds and is presently sick with a cold and cough and in need of medical care. Also he lacks vision in one eye and needs to be fitted for glasses.

16. Because his application for Aid to the Disabled has not been acted upon and approved, John Jordan has suffered and will continue to suffer irreparable injury, loss, and damage because of the lack of adequate funds to purchase those necessities requisite for a minimum standard of life compatible with health and well-being.

COUNT I

17. Count I is brought as a class action by the named plaintiff on his own behalf and on behalf of all other persons similarly situated pursuant to Rule 23(a) and (b) of the Federal Rules of Civil Procedure. The class is composed of all persons in Illinois eligible for Aid to the Aged, Blind, or Disabled, (AABD) who are required by defendants to wait longer than 30 days after application, as to aged and blind under AABD, and longer than 60 days after application, as to disabled under AABD, for a determination of eligibility and receipt of their first assistance check. This class is so numerous that joinder of all members is

impractical. There are questions of law and fact common to the class. The claims of plaintiff are typical of the claims of the class. Plaintiffs will fairly and adequately protect the interests of the class.

18. Illinois participates in the Federal government's Program of Aid to the Aged, Blind, and Disabled (AABD), established by the Social Security Act, 42 U.S.C. Subchapter XVI, §§ 1381 et. seq. As a condition thereof, Illinois is required to conform with the requirements of the Social Security Act and regulations promulgated thereunder by the United States Department of Health, Education and Welfare.

19. The Social Security Act provides that

> "all individuals wishing to make application under the (AABD) plan shall have opportunity to do so and that such aid or assistance shall be furnished with reasonable promptness to all eligible individuals." 42 U.S.C. § 1382(a)(8).

20. At all times relevant herein, the regulations of the Department of Health, Education and Welafre have required that action on applications for assistance for the aged and blind under AABD be taken within thirty days, and action on applications for the disabled under AABD, be taken within sixty days, including for those determined eligible, the actual receipt of AABD assistance within the respective maximum time periods. Handbook of Public Assistance Administration, Part IV, Section 2200(b)(3)(4), Section 2300(b)(3)(5).

21. The defendants maintain that these abovementioned regulations are not mandatory and binding on them with respect to AABD applications.

22. As of the end of November, 1970, approximately 90% of the applications for assistance for the aged and blind under AABD made to the Cook County Department of Public Aid had been pending longer than 30 days. As of the end of November, 1970, approximately 70% of the applications for aid to the disabled under AABD made at the Cook County Department of Public Aid had been pending between one and six months and approximately 20% of the same applications had been pending for six months and over.

23. The rules and regulations of the defendant Illinois Department of Public Aid with respect to time standards for processing of AABD applications, Illinois Categorical Assistance Manual, Sections 4004-4004.3, are in violation of the requirements of the Social Security Act and regulations quoted above in paragraphs 19 and 20.

24. Further, at all times relevant herein, Section 8255 (and subsections thereunder), Illinois Department of Public Aid, Categorical Assistance Manual, has provided that initial grants (including AABD) may be authorized only for the month in which the application has been approved, but not for any prior months.

25. Pursuant to Section 8255, Illinois Categorical Assistance Manual, plaintiff John Jordan is barred from receiving AABD benefits for October, November, and December, 1970 in violation of the Social Security Act and regulations quoted above in paragraphs 19 and 20.

26. By failing to follow the maximum, permissible time standards under federal law (quoted above in paragraphs 19 and 20

the defendants and their agents acting under color of state law have unlawfully deprived plaintiffs of AABD assistance and their rights under the Social Security Act and the regulations issued pursuant thereto.

27. No adequate administrative remedy or remedy at law is available to the plaintiffs.

28. Plaintiffs have suffered irreparable damage to their health and well-being and will continue to suffer severe and irreparable injury because of the failure of defendants and their agents to comply with the respective 30 and 60 day requirements relating to AABD applicants.

COUNT II

29. Count II is brought as a class action by the named plaintiff on his own behalf and on behalf of all other persons similarly situated pursuant to Rule 23(a)(b) of the Federal Rules of Civil Procedure. The class is composed of all applicants for AABD in Illinois who meet the eligibility requirements when they apply but are denied benefits for the intervening period from the date of application to the month in which their grant is authorized. This class is so numerous that joinder of all members is impractical. There are questions of law and fact common to the class. The claims of plaintiff are typical of the claims of the class. Plaintiffs will fairly and adequately protect the interests of the class.

30. Some eligible applicants for AABD similarly situated to John Jordan applied for AABD benefits in September, 1970, and were determined eligible in said month and began receiving assistance in and for said month.

31. Some eligible applicants similarly situated to John Jordan applied for AABD benefits in September, 1970, and were determined eligible in October, some were determined eligible in November, and some were determined eligible in December, and as a consequence, said applicants began receiving assistance in and for October, November, and December respectively, but not for any period prior to the month in which they were determined eligible.

32. By delaying determinations of eligibility, the defendant lessen expenditures to the needy for basic subsistence payments.

33. To condition the date upon which AABD benefits begin to the speed of the administrative process, is to establish wholly arbitrary and invidious classifications between similarly situated, equally needy persons.

34. Section 8255 of the Illinois Categorical Assistance Manual is invalid and unconstitutional on its face and as applied to plaintiffs in violation of the equal protection clause of the fourteenth amendment to the Constitution of the United States.

35. The policy of the defendant Illinois Department of Publi Aid, and the practices of its 102 agent County Departments of Publi Aid throughout the State of Illinois, do not require AABD assistanc be paid from the date of application when the applicant meets all of the eligibility conditions at that time.

36. The policy and practices of the defendants described in paragraph 35 above and in this Count are in violation of the Socia Security Act, 42 U.S.C. § 1381 et. seq. and federal regulations issued thereunder, 45 C.F.R. § 233.20(a)(1)(2)(iii), and Departmen of Health, Education and Welfare Handbook of Public Assistance

Administration, Part II, § 3300, § 4300.

37. The policy and practices of the defendants described in paragraph 35 above and in this Count are in violation of the Illinois Public Aid Code, ch. 23, Section 3-1, Ill. Rev. Stat. which provides that financial aid

> "shall be given under this Article to or in behalf of aged, blind, or disabled persons who meet the eligibility conditions..."

38. Plaintiffs have suffered and will continue to suffer irreparable injury to their health and well-being because of the policy and practice of the defendants described in paragraph 35 above and in this Count.

39. No adequate administrative remedy or adequate remedy at law is available to plaintiffs.

WHEREFORE, plaintiff respectfully prays, on behalf of himself and all others similarly situated, that this Honorable Court:

1. Enter a temporary restraining order enjoining the defendants, their successors in office, agents and employees, and all other persons in active concert and participation with them, from continuing to cause irreparable harm to plaintiff and other persons similarly situated by failing to make determinations of eligibility and providing AABD assistance for those determined eligible, within 30 days from the date of application as to aged and blind applicants for AABD, and within 60 days from the date of application as to disabled applicants for AABD.

2. Enter preliminary and permanent injunctions enjoining defendants, their successors in office, agents and employees, and all other persons in active concert and participation with them, from failing to comply with the federal 30 and 60 day requirements with respect to applicants for AABD in the State of Illinois.

3. Enter a final judgment declaring Illinois Categorical Assistance Manual Sections 4004 and 8255 (and subsections thereuncer) as applied to applicants for AABD invalid insofar as they are inconsistent with the Social Security Act and regulations issued pursuant thereto.

4. Enter a final judgment declaring that the illinois public Aid Code, ch. 23, Sections 3-1, Ill. Rev. Stat., the Socia Security Act and regulations thereunder, and equal protection of the laws as guaranteed by the fourteenth amendment to the United States Constitution require that applicants for AABD who meet the eligibility conditions for AABD at the time of their application are entitled to AABD benefits from the date of application.

5. Enter a permanent injunction enjoining the defendants to award to the entire class of plaintiffs all AABD benefits wrongfully withheld.

6. Allow punitive damages in the amount of $100,000.00 against Harold O. Swank.

7. Allow plaintiff his costs herein, and also grant him and all persons similarly situated, such additional or alternative relief as may seem to this Court to be just, proper and equitable.

Respectfully submitted,

Sheldon Roodman

Kenneth K. Howell

Sheldon Roodman
Kenneth K. Howell
Community Legal Counsel
116 South Michigan Avenue
Chicago, Illinois 60603
726-0157

Attorneys for Plaintiffs

FILED

IN THE UNITED STATES DISTRICT COURTS 16 PM 4 33
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CLERK
U. S. DISTRICT COURT

OHN JORDAN, et al.,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	NO. 71 C 70
	)	
AROLD O. SWANK, et al.,	)	
	)	
Defendants.	)	

ANSWER OF DEFENDANTS DANIEL AND BARRETT
TO PLAINTIFFS' AMENDED COMPLAINT

Now come the defendants, DAVID DANIEL, Director, Cook County Department of Public Aid, and, EDWARD J. BARRETT, Comptroller of Cook County, by their attorney, EDWARD V. HANRAHAN, State's Attorney of Cook County, Illinois, and for answer to plaintiffs' amended complaint state as follows:

1. No answer is necessary for paragraph One.

2. Paragraph Two is admitted.

3. Paragraph Three is admitted.

4. Paragraph Four is admitted.

5. Paragraph Five is admitted.

6. In response to Paragraph Six, these defendants deny that this action is properly brought pursuant to Rule 23 (a) and (b) of the Federal Rules of Civil Procedure.

7. In response to Paragraph Seven, these defendants admit the allegations as to them.

8. Paragraph Eight is Admitted.

9. Paragraph Nine is Admitted.

10. Paragraph Ten is Admitted.

11. Paragraph Eleven is denied.

12. In answering Paragraph Twelve, these defendants admit that when the original complaint in this action was filed, John Jordan had received no assistance. They deny that the Cook County Department of Public Aid has yet to act on Mr. Jordan's application and further state that the application has been approved and Mr. Jordan was given emergency assistance to provide support and maintenance until his first regular check under AABD will arrive.

13. Paragraph Thirteen is denied.

14. In response to Paragraph Fourteen, these defendants have no knowledge sufficient to form a belief as to the truth or falsity of the allegations; they therefore neither admit nor deny the same but demand strict proof thereof.

15. Paragraph Fifteen is immaterial insofar as John Jordan's application has been approved and a temporary restraining order has been entered in this action. Whatever is not

immaterial in Paragraph Fifteen is neither admitted nor denied due to a lack of knowledge on the part of these defendants and they demand strict proof of those allegations.

16. In response to Paragraph Sixteen, these defendants have no knowledge sufficient to form a belief as to the allegations; they therefore neither admit nor deny the same but demand strict proof thereof.

COUNT I

17. Paragraph Seventeen is denied.

18. In response to Paragraph Eighteen, these defendants admit that Illinois participates in the Federal Government's program of Aid to the Aged, Blind and Disabled (AABD) but state that they are only bound to conform to the requirements of the Social Security Act and regulations promulgated thereunder by the United States Department of Health, Education and Welfare where participation makes conforming to the above mandatory.

19. The language of the Social Security Act as Set out in Paragraph Nineteen is admitted.

20. Paragraph Twenty is denied.

21. Paragraph Twenty-One is admitted.

22. Paragraph Twenty-two is admitted.

23. Paragraph Twenty-Three is denied.

24. Paragraph Twenty-Four is admitted.

25. In response to Paragraph Twenty-Five, these defendants admit that by Section 8255, Illinois Categorical Assistance Manual, John Jordan is barred from receiving AABD benefits for October, November, and December, 1970 but deny that the bar to retroactive assistance is in violation of the Social Security Act and regulations quoted (sic) in paragraphs Nineteen and Twenty.

26. In response to Paragraph Twenty-Six, these defendants deny that they have unlawfully deprived plaintiffs (sic) of AABD assistance and their rights under the Social Security Act and the regulations issued pursuant thereto.

27. Paragraph Twenty-Seven is denied.

28. Paragraph Twenty-Eight is denied.

COUNT II

29. Paragraph Twenty-Nine is denied.

30. In response to Paragraph Thirty, these defendants have no knowledge sufficient to form a belief as to the truth or falsity of the allegations; they therefore neither admit nor deny the same, but demand strict proof thereof.

31. In response to Paragraph Thirty-One, these defendants have no knowledge sufficient to form a belief as to the truth or falsity of the allegations; they therefore neither admit nor deny the same, but demand strict proof thereof.

32. Paragraph Thirty-Two is denied.

33. Paragraph Thirty-Three is denied.

34. Paragraph Thirty-Four is denied.

35. Paragraph Thirty-Five is denied.

36. Paragraph Thirty-Six is denied.

37. In response to Paragraph Thirty-Seven the language of that part of the Illinois Public Aid Code which is set out is admitted; the balance of the allegations are denied.

38. Paragraph Thirty-Eight is denied.

39. Paragraph Thirty-Nine is denied.

AFFIRMATIVE DEFENSES

1. Plaintiff, a welfare applicant, may not maintain this action for welfare applicants have no property right in assistance. If the Cook County Department of Public Aid is violating Federal statutes or regulations in administering the welfare system, the proper party to bring an action is the Department of Health, Education and Welfare.

2. The regulations of the Department of Health, Education and Welfare upon which the amended complaint is based are not complied with, mandatory.

3. The regulations upon which the amended complaint is based were promulgated without notice or an opportunity to be heard by the Illinois and Cook County Department of Public Aid in violation of the Due Process Clause of the Fifth Amendment of the United States Constitution.

4. That the plaintiff in this case has failed to comply with available, Federally-dictated procedure available when an application for AABD is not acted upon with reasonable promptness. 42 USC 1382 (a) (4) requires that State plans for aid to the aged, blind and disabled:

> "(4) provide for granting an opportunity for a fair hearing before the State agency to any individual whose claim for aid or assistance under the plan is denied or is not acted upon with reasonable promptness."

Such a plan is in existence and plaintiff has failed to utilize it.

5. This is an improper class action since the facts concerning each application are different. Further, the one named plaintiff may not be a proper representative of both classes.

WHEREFORE, these defendants pray that this Court:

1. Strike plaintiffs' amended complaint and dismiss this action; or

2. Enter judgment in favor of the defendants.

EDWARD V. HANRAHAN
State's Attorney of Cook County

By: James A. Rooney

James A. Rooney
Assistant State's Attorney
500 Civic Center
Chicago, Illinois 60602
321-8760

#9

ANALYSIS OF REGISTERED APPLICATIONS PENDING INVESTIGATION
SOURCE: COOK COUNTY DEPARTMENT OF PUBLIC AID - FORM CCDA-264
DECEMBER, 1970

	TOTAL		ADDAMS		ARNOLD		GARFIELD		HUMBOLDT		GARFIELD		MORTIMER		REYNOLDS	
	NUMBER	PERCENT BY REGION	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
	4,819	100.0	16	100.0	8	100.0	18	100.0	160	100.0	87	100.0	5	100.0	358	100.0
		100.0		100.0	3	100.0	13	100.0	28	100.0	36	100.0	1	100.0	18	100.0
		100.0	2	100.0	-	-	-	-	27	100.0	-	-	-	-	35	100.0
		100.0	-	-	1	100.0	1	100.0	-	-	3	100.0	-	-	8	100.0
		100.0	5	100.0	4	100.0	4	100.0	105	100.0	24	100.0	4	100.0	339	100.0
	1,008	100.0	-	-	-	-	-	-	-	-	24	100.0	-	-	-	-
	615	12.8	3	18.7	1	12.5	15	83.3	33	20.6	60	69.0	-	-	27	6.8
		32.4	3	33.3	-	-	13	100.0	25	89.3	35	97.2	-	-	5	27.8
		24.0	-	-	-	-	-	-	1	3.7	-	-	-	-	3	6.8
		47.5	-	-	-	-	41	100.0	-	-	-	-	-	-	-	-
		13.0	1	7	1	33.3	1	25.0	7	6.7	1	4.2	-	-	19	5.6
		80.0	4	-	-	-	-	-	-	-	24	100.0	-	-	-	-
	1,683	34.9	12	75.0	5	62.5	3	16.7	90	56.3	14	16.1	4	80.0	249	62.6
		21.6	6	66.7	3	100.0	-	-	3	10.7	1	2.8	1	100.0	13	72.2
		91.2	2	100.0	-	-	-	-	16	59.3	-	-	-	-	22	62.9
		30.0	-	-	1	100.0	-	-	-	-	2	66.7	-	-	3	50.0
	1,077	56.5	4	80.0	1	25.0	3	75.0	71	67.6	11	45.8	3	75.0	211	62.2
	220	17.4	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	69	12.9	1	6.3	2	25.0	-	-	37	23.1	13	14.9	1	20.0	122	30.6
	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	50	24.8	-	-	-	-	-	-	10	37.0	-	-	-	-	10	45.5
	9	22.5	-	-	-	-	-	-	-	-	1	33.3	-	-	3	50.0
	410	23.9	1	20.0	2	50.0	-	-	27	25.7	12	50.0	1	25.0	109	32.2
	12	2.6	-	-	-	-	-	-	-	-	-	-	-	-	-	-

ANALYSIS OF REGISTERED APPLICATIONS PENDING INVESTIGATION
ISSUED: COOK COUNTY DEPARTMENT OF PUBLIC AID - FORM CCPA-264

JANUARY, 1972

		ARLAND		ALGONQUIN		CARMINI		ENGLEWOOD		GARFIELD		HOYNE		IRVING	
		NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
	1,872	20	100.0	13	100.0	14	100.0	159	100.0	158	100.0	2	100.0	428	100.0
		15	100.0	7	100.0	7	100.0	57	100.0	55	100.0	1	100.0	22	100.0
		2	100.0	-	-	1	100.0	19	100.0	3	100.0	-	-	35	100.0
		-	-	-	-	1	100.0	1	100.0	3	100.0	-	-	5	100.0
		5	100.0	6	100.0	5	100.0	82	100.0	31	100.0	1	100.0	366	100.0
		-	-	-	-	-	-	-	-	66	100.0	-	-	-	-
	4,302	7	35.0	9	69.2	5	35.7	37	23.3	100	63.3	1	50.0	34	8.0
		6	46.2	7	100.0	3	42.9	24	42.1	42	76.4	1	100.0	8	36.4
		-	-	-	-	1	100.0	4	21.1	3	100.0	-	-	4	22.2
		-	-	-	-	-	-	-	-	-	-	-	-	-	-
		1	20.0	2	33.3	1	20.0	9	11.0	8	25.8	-	-	22	6.0
		-	-	-	-	-	-	-	-	47	71.2	-	-	-	-
	2,055	8	40.0	3	23.1	9	64.3	87	54.7	45	28.5	1	50.0	250	58.4
		7	53.8	-	-	4	57.1	33	57.9	13	23.6	-	-	14	63.6
		1	50.0	-	-	-	-	7	36.8	-	-	-	-	22	62.9
		-	-	-	-	1	100.0	1	100.0	2	66.7	-	-	-	-
		-	-	3	50.0	4	80.0	46	56.1	11	52.5	1	100.0	214	58.8
		-	-	-	-	-	-	-	-	19	28.8	-	-	-	-
	704	5	25.0	1	7.7	-	-	35	22.0	13	8.2	-	-	144	33.6
		-	-	-	-	-	-	-	-	-	-	-	-	-	-
		1	50.0	-	-	-	-	8	42.1	-	-	-	-	9	40.9
		-	-	-	-	-	-	-	-	1	33.3	-	-	5	100.0
		4	80.0	1	16.7	-	-	27	32.9	12	38.7	-	-	120	38.3
		-	-	-	-	-	-	-	-	-	-	-	-	-	-

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

#10

JOHN JORDAN, et al.,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	No. 71 C 70
	)	
HAROLD O. SWANK, Et al.,	)	
	)	
Defendants.	)	

ANSWER OF DEFENDANT, HAROLD O. SWANK
DIRECTOR, ILLINOIS DEPARTMENT OF PUBLIC AID

Defendant, HAROLD O. SWANK, Director, Illinois Department of Public Aid, by his counsel, WILLIAM J. SCOTT, Attorney General of Illinois answers the respective paragraphs of the Plaintiffs' Complaint as follows:

1. A response is not required.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Deny that this is a proper class section.
7. Admitted.
8. Admitted.
9. Admitted.
10. Admitted.
11. Denied.

12. Denied. The answering Defendant further avers that these Plaintiffs have received the relief they sought in the commencement of this section and therefore the issues are moot.

13. Denied.

14. This defendant has insufficient knowledge to admit or deny said allegation.

15. This Defendant has insufficient knowledge to admit or deny said allegation.

16. Denied.

COUNT I

17. Denied.

18. Admitted.

19. Admitted.

20. Denied.

21. Admitted.

22. Admitted.

23. Denied.

24. Admitted.

25. Deny that the treatment accorded Plaintiff is violative of the Social Security Act and regulations.

26. Denied.

27. Denied.

28. Denied.

COUNT II

29. Denied.

30. Admit that some applications in areas of the state are processed faster than others.

31. Admit that some areas of the state have processed applications swifter than others.

32. Denied.

33. Denied.

34. Denied.

35. Denied.

36. Denied.

37. Admit the existence of said statute but deny the remainder of this allegation, and further deny that said statute has been violated as to these plaintiffs.

38. Denied.

39. Denied.

Affirmative Defense

The part of Count II seeking punitive damages from Harold O. Swank, Director of the Department of Public Aid, fails to state a claim upon which relief can be granted.

Wherefore, this Defendant requests the entry of an Order dismissing the complaint and such other relief as is proper.

William J. Scott

WILLIAM J. SCOTT
Attorney General of Illinois
Attorney for the Defendant,
Harold O. Swank, Director,
Department of Public Aid
160 North LaSalle Street
Chicago, Illinois 60601
793-2590

Robert A. Maloney
Assistant Attorney General
of Counsel

STATE OF ILLINOIS)
) SS
COUNTY OF C O O K)

CERTIFICATE OF SERVICE

TO: Sheldon Roodman
Community Legal Counsel
116 South Michigan Avenue
Chicago, Illinois 60603

James A. Rooney
Assistant State's Attorney
500 Chicago Civic Center
Chicago, Illinois 60602

PLEASE TAKE NOTICE that on March 22, 1971 the attached Answer of Defendant Harold O. Swank was filed with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division.

William J. Scott

WILLIAM J. SCOTT
Attorney General of Illinois
Attorney for the Defendant,
Harold O. Swank, Director,
Department of Public Aid
160 North LaSalle Street
Chicago, Illinois 60601
793-2590

Robert A. Maloney
Assistant Attorney General
of Counsel

RECEIVED
MAR 5 1971
ALEXANDER J. NAPOLI
JUDGE
UNITED STATES DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JOHN JORDAN, et al.,)
)
Plaintiffs)
)
vs.) No. 71 C 70
)
HAROLD O. SWANK, et al.,)
)
Defendants.)

#11

REQUEST FOR PRODUCTION
OF DOCUMENTS

Plaintiff, John Jordan, hereby requests, pursuant to Rule 34 of the Federal Rules of Civil Procedure, that defendant David Daniel, Director, Cook County Department of Public Aid, produce and permit plaintiff to inspect and copy each of the following documents:

1. The entire case record of the Cook County Department of Public Aid pertaining to John Jordan, his application for AABD, and the disposition of said application.

2. Any and all letters, memoranda, reports, and studies since February, 1968, with respect to the procedures for processing of AABD applications and the problems related thereto, the procedures for making determinations of eligibility or ineligibility for AABD applicants and the problems related thereto, the length of time between the date of application and the date of authorization and/or mailing of the first check for those AABD

applicants determined eligible, and with respect to the time from which initial AABD benefits are to be payable to eligible AABD applicants.

3. Any and all correspondance, memoranda, or other written exchanges of information between the Cook County Department of Public Aid, and the Illinois Department of Public Aid with respect to any of the matters described in paragraph 2, supra, and with respect to the problem of meeting the maximum time limits established by the Department of Health, Education and Welfare for the processing of AABD applications.

It is requested that the aforesaid production be made on the 8th day of April, 1971, at 116 South Michigan, Room 700, at 10:00 a.m.

Sheldon H. Roodman
one of the
Attorneys for Plaintiffs

Community Legal Counsel
116 South Michigan Avenue
Chicago, Illinois 60603
726-0157

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JOHN JORDAN, et al.,

Plaintiffs

vs.

HAROLD O. SWANK, et al.,

Defendants.

No. 71 C 70

NOTICE OF FILING

To: Attorney General
160 North LaSalle Street
Chicago, Illinois

State's Attorney
Civic Center, Room 500
Chicago, Illinois

PLEASE TAKE NOTICE, That on March 25, 1971, we filed with the Clerk of this Court plaintiffs' Request for Production of Documents, a copy of which request is attached hereto.

Sheldon H. Roodman
one of the
Attorneys for Plaintiffs

Community Legal Counsel
116 South Michigan Avenue
Chicago, Illinois 60603
726-0157

CERTIFICATE OF SERVICE

Sheldon H. Roodman hereby certifies that he is one of the attorneys for plaintiffs in the foregoing matter; and that copies of the attached Notice and Request referred to therein were served on the defendants by placing copies of same in postage prepaid envelopes addressed to the above addressees, and depositing same in the United States mailbox at 116 South Michigan, Chicago, Illinois, this 26 day of March, 1971.

Sheldon Roodman

Sheldon H. Roodman

DOCKETED

FILED
APR 5 - 1971
H. STUART CUNNINGHAM
At ____ o'clock ____
CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JOHN JORDAN, et al.,
Plaintiffs,
vs.
HAROLD O. SWANK, et al.,
Defendants.

No. 71 C 70

MOTION TO STRIKE CERTAIN PORTIONS OF DEFENDANTS' ANSWERS

Plaintiffs, by their attorneys, respectfully move for an order striking the defendants' answers to paragraphs 30 and 31 of plaintiffs' amended complaint or, in the alternative, deeming admitted the plaintiffs' averments in paragraphs 30 and 31. In support of their motion, plaintiffs submit the following memorandum.

Paragraphs 30 and 31 of the amended complaint read as follows:

> "30. Some eligible applicants for AABD similarly situated to John Jordan applied for AABD benefits in September, 1970, and were determined eligible in said month.
>
> "31. Some eligible applicants similarly situated to John Jordan applied for AABD benefits in September, 1970, and were determined eligible in October, some were determined eligible in November, and some were determined eligible in December, and as a consequence, said applicants began receiving assistance in and for October, November, and December respectively, but not for any period prior to the month in which they were determined eligible."

25

67 120

Defendant Harold O. Swank, Director, Illinois Department of Public Aid, answered these paragraphs as follows:

> "30. Admit that some applications in areas of the state are processed faster than others.
>
> "31. Admit that some areas of the state have processed applications swifter than others."

These answers are unresponsive to the averments in paragraphs 30 and 31, and either should be stricken, or the plaintiffs' averments in paragraphs 30 and 31 should be deemed admitted. Federal Rules of Civil Procedure, 8(d).

Defendant David Daniel, Director, Cook County Department of Public Aid, answered the averments in paragraphs 30 and 31 as follows:

> "30. In response to Paragraph Thirty, these defendants have no knowledge sufficient to form a belief as to the truth or falsity of the allegations; they therefore neither admit nor deny the same, but demand strict proof thereof.
>
> "31. In response to Paragraph Thirty-one, these defendants have no knowledge sufficient to form a belief as to the truth or falsity of the allegations; they therefore neither admit nor deny the same, but demand strict proof thereof.

Plaintiffs submit that the above quoted answer is not made in good faith and that such assertion of ignorance is a sham. It is peculiarly within the knowledge of the defendant David Daniel, Director, Cook County Department of Public Aid, when applications for AABD made in September, 1970, were disposed of. In Rodriguez v. Swank, defendant David Daniel produced detailed

information on the same issue with respect to "ADC" applications. Exhibit A attached hereto, entitled, "Disposition of ADC - Regular Applications Received by the Cook County Department of Public Aid During August, 1969."

Case law on this point clearly supports plaintiffs' motion. In American Photocopy Equipment Co. v. Rovico, Inc., 359 F.2d 745, 746-7 (7th Cir., 1966), a patent infringement case, the court stated:

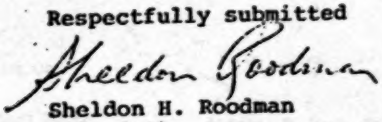
> "We hold that, in view of the existing circumstances, this failure of plaintiff to frankly reply on a matter, which it, as patent owner and manufacturer must have had within its knowledge, exhibits a lack of fairness which completely discredits its statement that it is without knowledge or information sufficient to form a belief as to the truth of said averment of defendant ... 'an answer asserting want of knowledge sufficient to form a belief as to the truth of facts alleged in a complaint does not serve as a denial if the assertion of ignorance is obviously sham. In such circumstances, the facts alleged in the complaint stand admitted.'"

A similar holding, often cited for the same proposition, is Ice Plant Equipment Co. v. Martocello, 43 F.Supp. 281, 282-83 (E.D. Pa., 1941):

> "Rule 8(b) of the Rules of Civil Procedure ... specifically authorizes a response of this kind [lack of knowledge or information sufficient to form a belief] and provides that it shall have the effect of a denial. The rule provides no exceptions. This court, however, has held in several cases that the rule does not apply if the fact as to which want of knowledge is asserted is to the knowledge of the court so plainly and necessarily within the defendant's knowledge that his averment of ignorance must be palpably untrue. In such case, the resort to the formal denial is plainly in bad faith and for the mere purpose of delay."

To the same effect, Mesirow v. Duggan, 240 F.2d 751, 756 (8th Cir. 1957).

Respectfully submitted



Sheldon H. Roodman
one of the
Attorneys for Plaintiffs

Community Legal Counsel
116 South Michigan Avenue
Chicago, Illinois 60603
726-0157

COOK COUNTY DEPARTMENT OF PUBLIC AID

To: Mr. Judson T. Murray, Assistant Chief — From: Shirley F. Mann, Supervisor

Address: Bureau of Resources and Legal Services — Address: Statistics and Analysis

In accordance with your request for statistical data relative to the pending legal case "Rodriquez vs. Swank, Federal District Court Case No. 69c 2615", we submit the following information regarding applications in Cook County for ADC-R for the month of August, 1969:

DISPOSITION OF ADC-REGULAR APPLICATIONS RECEIVED BY THE COOK COUNTY DEPARTMENT OF PUBLIC AID DURING AUGUST, 1969

	TOTAL		APPROVALS		DENIALS		Appr As Pe
	Number	Percent	Number	Percent	Number	Percent	Of Dispos
Total August Applications Received	2,259	100.0					
Disposition Effective 8/69	651	28.8	518	33.7	133	39.1	79
Disposition Effective 9/69	677	30.0	563	36.6	114	33.5	83
Disposition Effective 10/69	386	17.1	321	20.9	65	19.1	83
Disposition Effective 11/69	148	6.6	121	7.9	27	7.9	81
Disposition Effective 12/69	14	0.6	13	0.9	1	0.4	
Total Dispositions Made			1,536	100.0	340	100.0	81
Total August Applications Undisposed of at the end of November, 1969	383	16.9					

EXHIBIT "A" — 71 124

DOCKETED

FILED

APR 5 - 1971

H. STUART CUNNINGHAM
At_____ o'clock_____
CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JOHN JORDAN, et al.,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	No. 71 C 70
	)	
HAROLD O. SWANK, et al.,	)	
	)	
Defendants.	)	

MOTION FOR PRELIMINARY INJUNCTION

Plaintiffs, by their attorneys, respectfully move for the entry of a preliminary injunction enjoining the defendants from failing to mail AABD checks or notifications of denial of AABD assistance for aged or blind applicants for AABD any later than thirty days after the date of application and for disabled applicants for AABD any later than sixty days after the date of application, as required by 45 C.F.R. § 206.10, published in 36 Fed. Reg. 3864-65 (Feb. 27, 1971), until this case is finally adjudicated, based upon the affidavit and exhibits filed in support of plaintiff's earlier motion for a temporary restraining order and based upon the defendant David Daniel's submissions to the Court of the December 1970, January and February 1971, reports entitled, Analysis of Registered Applications Pending Investigation, Source : Cook County Department of Public Aid - Form CCPA-264.

Sheldon Roodman

Sheldon H. Roodman
one of the Attorneys for Plaintiffs

Community Legal Counsel
116 S. Michigan Ave.
Chicago, Illinois 60603
726-0157

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UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS
DOCKET EASTERN DIVISION

Name of Presiding Judge, Honorable ALEXANDER J. NAPOLI

Cause No. 71C 70 Date APR 15 1971

Title of Cause John Jordan, et al -vs- Harold O. Evans, et al

Brief Statement of Motion Motion to strike certain portions of defendants answers, or, in the alternative, to deem admitted paragraphs 30 and 31 of plaintiff's amended complaint

The rules of this court require counsel to furnish the names of all parties entitled to notice of the entry of an order and the names and addresses of their attorneys. Please do this immediately below (separate lists may be appended).

Names and addresses of following counsel

Representing

Names and addresses of other counsel entitled to notice and names of parties they represent.

Reserve space below for notations by minute clerk

Paragraphs 30 and 31 of plaintiffs amended complaint are deemed admitted.

JJ

Memorandum to the Clerk.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHEPN DISTRICT OF ILLINOIS
EASTERN DIVISION

JOHN JORDAN, by his next friend, JEANETTE BRYANT, individually, and on behalf of all other persons similarly situated,	)	
Plaintiffs,	)	
vs.	)	No. 71 C 70
HAROLD O. SWANK, Director, Illinois Department of Public Aid; DAVID DANIEL, Director, Cook County Department of Public Aid; EDWARD J. BARRETT, Comptroller of Cook County, individually and in their official capacities,	)	
Defendants.	)	

This matter coming on for hearing on plaintiffs' motion for a preliminary injunction on Count I of the amended complaint, and the defendants having received notice and being represented by counsel, and the Court having considered the amended complaint, affidavits, exhibits, and memoranda presented by plaintiffs, answers and exhibits of the defendants, and also the representations and arguments of counsel for all parties in open court, and being fully advised in the premises; it makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. Plaintiff John Jordan applied to the Cook County Department of Public Aid on September 18, 1970, for Aid to the

Disabled under the Aid to the Aged, Blind and Disabled (hereinafter "AABD") program; and

2. Plaintiff, John Jordan, age sixty-one, with the assistance of his friends, cooperated in all respects with the Cook County Department of Public Aid, furnished all information requested by the Cook County Department of Public Aid, and has been and is eligible for AABD;

3. As of January 14, 1971, the application of John Jordan for AABD had not yet been acted upon by the Cook County Department of Public Aid, and John Jordan had received no assistance whatsoever;

4. Pursuant to the temporary restraining order previously entered by this Court, John Jordan was determined eligible for AABD(D) and was issued AABD assistance. John Jordan was granted AABD assistance for the month of January, 1971 but no assistance for any period prior to January 1, 1971;

5. Numerous other persons have made applications for AABD to the Cook County Department of Public Aid and many such applications have been pending in excess of thirty days from the date of application as to aged and blind ander AABD and in excess of sixty days as to disabled under AABD, with a number having been pending longer than six months;

6. Defendant Harold O. Swank is the Director of the Illinois Department of Public Aid and is charged with statewide administration of the categorical aid programs, including Aid to

the Aged, Blind and Disabled, and with establishing regulations to carry out the statutory provisions of such programs. Defendant David Daniel is the Director of the Cook County Department of Public Aid, an agency of the Illinois Department of Public Aid and is responsible for administering the categorical aid programs, including AABD, in Cook County. Defendant Edward J. Barrett is the Comptroller of Cook County, responsible for the signing of emergency welfare checks in Cook County; and

7. The named plaintiff has brought this Count I as a class action on his own behalf and on behalf of all other persons in Illinois eligible for AABD who are required by defendants to wait longer than thirty days after application, as to aged and blind under AABD, and longer than sixty days after application as to disabled under AABD, for a determination of eligibility and receipt of their first assistance check.

8. This class is so numerous that joinder of all members is impracticable. There are questions of law and fact common to the class. The claims of plaintiff are typical of the claims of the class. Plaintiffs will fairly and adequately protect the interests of the class. The defendants have acted or refused to act on grounds generally applicable to the class, thereby making appropriate injunctive relief with respect to the class as a whole.

9. Those persons composing this class are, and will continue to be, irreparably injured by the failure of the defen-

dants to process their applications and to provide AABD assistance within the maximum time periods permissible under federal regulations in that they lack sufficient funds to obtain necessary food, clothing, housing and medical care.

CONCLUSIONS OF LAW

1. The Court has jurisdiction over the parties to this action and over the subject matter of the action.

2. The hereinabove findings of facts establish that the Cook County Department of Public Aid and the Illinois Department of Public Aid have not complied with the Handbook of Public Assistance Administration, Part IV, Sections 2200(b)(3)(4), 2300 (b)(3)(5) and 45 C.F.R. §206.10(a)(3), 36 Fed. Reg. 3864 (February 27, 1971) and the Court is at this time satisfied that plaintiffs are likely to prevail on the mandatory and binding nature of these regulations. Rodriguez v. Swank, 318 F.Supp. 289 (N.D. Ill., 1970) (three judge court).

3. Count I of this action is properly maintainable as a class action as defined in paragraph 7 supra. Federal Rules of Civil Procedure, 23(a) and (b).

4. Plaintiff and the members of the class will suffer immediate and irreparable injury if preliminary injunctive relief is denied.

5. Plaintiff and the class he represents are entitled to a preliminary injunction as hereinafter set forth.

PRELIMINARY INJUNCTION

IT IS ORDERED, ADJUDGED, and DECREED that the defendants, their agents and employees, and all persons in active concert and participation with them, are hereby enjoined from failing to make determinations of eligibility and mailing either AABD assistance or notifications of denial of assistance, within thirty days from the date of application as to aged and blind applicants for AABD, and within sixty days from the date of application as to disabled applicants for AABD in the State of Illinois except in those cases where it is impossible to make a determination of eligibility because of failure or delay on the part of the applicant to provide essential information within the applicant's control and understanding.

IT IS FURTHER ORDERED, that the entitlement of all eligible AABD applicants in the State of Illinois shall attach no later than the thirtieth (30th) day after application as to aged and blind applicants, and no later than the sixtieth (60th) day after application as to disabled applicants. In any case in which eligibility is determined subsequent to the thirtieth (30th) day or sixtieth (60th) day, respectively, the applicant shall be entitled to AABD assistance retroactive at the very least to the thirtieth (30th) day or sixtieth (60th) day respectively, except in those cases where it was impossible to make a determination of eligibility because of failure or delay on the part of the applicant to provide essential information. In such latter cases, said applicants must receive a written statement explaining (a) that

the denial was based on the failure or delay on the part of the applicant to provide specified essential information, and (b) that the applicant has the right to appeal within sixty (60) days this decision of the County Department of Public Aid.

IT IS FURTHER ORDERED, to the extent that the Illinois Department of Public Aid, Categorical Assistance Manual, Sections 4004, 8255, and 8256, and subsections thereunder, are contrary to this preliminary injunction, these sections are contrary to federal law, and are hereby declared null and void.

IT IS FURTHER ORDERED that defendants award John Jordan his entitlement to AABD assistance as hereinabove defined.

IT IS FURTHER ORDERED that this preliminary injunction be and remain in full force and effect until final hearing of this cause and until further order of this Court.

ENTER: Alexander J. Napoli
United States District Judge

DATED: April 16, 1971.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JOHN JORDAN, et al.,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	No. 71 C 70
	)	
HAROLD O. SWANK, et al.,	)	
	)	
Defendants.	)	

#16

MOTION FOR ORDER FOR PRODUCTION OF DOCUMENTS FOR INSPECTION AND COPYING

Plaintiff, by his attorney, moves the Court, pursuant to Rule 37(a) of the Federal Rules of Civil Procedure, for an order requiring defendants Harold O. Swank and David Daniel to produce and permit plaintiff to inspect and copy each of the following documents:

With respect to Harold O. Swank

1. Any and all letters, records, or other data pertaining to John Jordan, his application for AABD, and the disposition of said application;

2. Any and all letters, memoranda, reports, studies, manual releases, official bulletins, or other transmittals since February, 1968, with respect to the procedures for processing of AABD applications and the problems related thereto, the procedures for making determinations of eligibility or ineligibility for AABD applicants and the problems related thereto, the length of time between the date of application and the date of dispo-

sition of AABD applicants in all counties of the State of Illinois, and with respect to the time from which initial AABD benefits are to be payable to eligible AABD applicants;

3. Any and all correspondence, memoranda, or other written exchanges of information between any of the county departments of public aid in the State of Illinois and the Illinois Department of Public Aid with respect to any of the matters described in paragraph 2, supra, and with respect to the problem of meeting the maximum time limits established by the Department of Health, Education and Welfare for the processing of AABD applications;

4. Any and all correspondence, reports, or other exchanges of information between the Illinois Department of Public Aid and the Department of Health, Education and Welfare with respect to the state requirements for promptness in processing AABD applications, the actual performance of the county departments of public aid in the State of Illinois in processing AABD applications, and the time from which initial AABD benefits are to be payable to eligible AABD applicants. This request includes all exchanges of letters and written information between the Illinois Department of Public Aid and the Department of Health, Education and Welfare in connection with the petition of the Chicago Welfare Rights Organization calling for a HEW conformity hearing dealing with the matters described in the foregoing sentence.

With respect to David Daniel

1. The entire case record of the Cook County Department of Public Aid pertaining to John Jordan, his application for AABD, and the disposition of said application.

2. Any and all letters, memoranda, reports, and studies since February, 1968, with respect to the procedures for processing of AABD applications and the problems related thereto, the procedures for making determinations of eligibility or ineligibility for AABD applicants and the problems related thereto, the length of time between the date of application and the date of authorization and/or mailing of the first check for those AABD applicants determined eligible, and with respect to the time from which initial AABD benefits are to be payable to eligible AABD applicants.

3. Any and all correspondence, memoranda, or other written exchanges of information between the Cook County Department of Public Aid, and the Illinois Department of Public Aid with respect to any of the matters described in paragraph 2, supra, and with respect to the problem of meeting the maximum time limits established by the Department of Health, Education and Welfare for the processing of AABD applications.

Plaintiff did previously, on the 26th day of March, 1971, pursuant to Rule 34, Federal Rules of Civil Procedure, serve requests upon defendants Swank and Daniel for the above discovery and inspection. Defendants Swank and Daniel have

failed to serve any written response whatsoever upon the plaintiff to this time. Defendants Daniel and Swank have the possession, custody, or control of each of the foregoing documents. Each of them constitutes or contains evidence relevant and material to a matter involved in this action.

WHEREFORE, pursuant to Rules 34 and 37, Federal Rules of Civil Procedure, plaintiff respectfully moves for an order compelling the defendants Swank and Daniel to produce the above described documents.

Sheldon Roodman

Community Legal Counsel
116 South Michigan Avenue
Chicago, Illinois 60603
726-0157

Attorney for Plaintiff

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Name of Presiding Judge, Honorable Judge Alexander Napoli (#17)

Cause No. 71 C 70 Date June 23, 1971

Title of Cause John Jordan, et al., v. Harold O. Swank, et al.

Brief Statement of Motion Motion for Order for Production of Documents for Inspection and Copying

The rules of this court require counsel to furnish the names of all parties entitled to notice of the entry of an order and the names and addresses of their attorneys. Please do this immediately below (separate lists may be appended).

Names and addresses of moving counsel Sheldon H. Roodman, Community Legal Counsel, 116 South Michigan Avenue, Chicago, Illinois 60603

Representing Plaintiffs

Names and addresses of other counsel entitled to notice and names of parties they represent. Attorney General, 160 N. LaSalle Street, Chicago, Illinois
State's Attorney, Civic Center, Room 500, Chicago, Illinois
Representing defendants

Reserve space below for notations by minute clerk

Plaintiff's motion for production of documents for inspection and copying is granted.
Monthly reports are to be filed by defendants.
Cause is continued to Sept. 30, 1971 at 10:00 A.M. for further report on status.

Hand this memorandum to the Clerk.
Counsel will not rise to address the Court until motion has been called.

DOCKETED

FILED
JUL 27 1971
H. STUART CUNNINGHAM
At ____ o'clock ____
CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JOHN JORDAN, et al.,
Plaintiffs,
vs.
HAROLD O. SWANK, et al.,
Defendants.

No. 71C 70

MOTION FOR ORDER THAT FACTS BE TAKEN AS ESTABLISHED

The defendant Harold O. Swank, Director, Illinois Department of Public Aid, having failed to comply with this Court's order of June 23, 1971, that said defendant produce certain records and documents for plaintiffs' inspection and copying, plaintiffs now move, pursuant to Rule 37(b)(2) and (d), Federal Rules of Civil Procedure, for an order establishing as proven the following facts:

1. In February, 1968, Harold O. Swank, Director, Illinois Department of Public Aid received from the Department of Health, Education and Welfare, Handbook Transmittal No. 139, attached hereto as Exhibit A, and knew and understood that the new federal requirement (Handbook of Public Assistance Administration, Part IV, Sections 2200(b)(3) and 2300(b)(5)) for a uniform thirty day maximum for action on AABD applications was mandatory and binding on the Illinois Department of Public Aid and that it would be

168

effective July 1, 1968.

2. In response to the new federal promptness requirement to be effective July 1, 1968, Harold O. Swank issued Manual Release No. 68.8, effective July 1, 1968, revising Section 4004.1 of the Illinois Categorical Assistance Manual to provide:

"4004.1 Time Standard

> Except for DA and MA-NG(D) cases which have a time standard of 45 days, the time standard for disposition of applications is 30 days from the date of application to the date the applicants are determined eligible and the effective date of their first assistance or are determined ineligible and receive a notice of denial of assistance...."

3. From July 1, 1968 to the present, Harold O. Swank has been fully advised and known that substantial numbers of applicants for AABD in the numerous counties of the State of Illinois have not had their applications acted upon and disposed of within the federally prescribed time maximums, and that these delays were not based on failure or delay on the part of the applicants; and for substantial numbers of these AABD applicants determined eligible, the effective date of their first assistance was not on or before 30 days from the date of their application, or, for disability applicants, on or before 45 days from the date of their application.

4. From July 1, 1968 to the present, Harold O. Swank, Director, Illinois Department of Public Aid, was fully advised and knew and understood that substantial numbers of eligible AABD applicants in the numerous counties of the State of Illinois were being denied their entitlement to AABD assistance effective 30 days from the date of their application, or, with respect to disability applicants,

effective 45 days from the date of their application, by the operation, implementation, and enforcement of Sections 8255 and 8255.1 of the Illinois Categorical Assistance Manual which prohibited the authorization of AABD assistance for any months prior to the month in which the application was approved.

5. From July 1, 1968 to the present, Harold O. Swank, willfully and in gross disregard of the rights of eligible AABD applicants, knew that substantial numbers of eligible AABD applicants were being deprived, contrary to the requirements of federal law, of their full AABD entitlements effective 30 days from the date of their application, or, with respect to disability applicants, 45 days from the date of their application, by reason of the operation, implementation and enforcement of Sections 8255 and 8255.1 of the Illinois Categorical Assistance Manual.

6. From July 1, 1968 to the present, Harold O. Swank, Director, Illinois Department of Public Aid, knew that as result of the operation, implementation, and enforcement of Sections 8255 and 8255.1 of the Illinois Categorical Assistance Manual that the amount of assistance in initial grants and the eligibility conditions for initial grants for AABD applicants were not made on an equitable and consistent basis and resulted in inequitable and arbitrary treatment of eligible AABD applicants in similar circumstances contrary to the purposes of the Social Security Act.

In addition to the foregoing, the plaintiff herein, pursuant to Rule 37 of the Federal Rules of Civil Procedure, moves the court

for such other and further orders as seem just under the circumstances, including plaintiffs' reasonable expenses, including attorneys' fees, incurred in connection with this motion and the earlier motion of June 23, 1971.

This motion is based on the record herein and upon the affidavit, attached hereto as Exhibit B, of Sheldon Roodman, one of the attorneys for the plaintiffs.

Respectfully submitted,

Sheldon Roodman
One of the attorneys for
plaintiffs.

COMMUNITY LEGAL COUNSEL
116 South Michigan Avenue
Chicago, Illinois 60603
726-0157

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Name of Presiding Judge, Honorable Judge Alexander Napoli

Cause No. 71 C 70 Date July 27, 1971

Title of Cause John Jordan, et al., vs. Harold O. Swank, et al.

Brief Statement of Motion Motion For Order That Facts Be Taken As Established

The rules of this court require counsel to furnish the names of all parties entitled to notice of the entry of an order and the names and addresses of their attorneys. Please do this immediately below (separate lists may be appended).

Names and Addresses of moving counsel Sheldon H. Roodman, Community Legal Counsel, 116 South Michigan Avenue, Chicago, Illinois 60603

Representing Plaintiffs

Names and Addresses of other counsel entitled to notice and names of parties they represent. Attorney General of Illinois, 160 N. LaSalle St., Chicago, Att'n: Robert Maloney
State's Attorney, Room 500 Civic Center, Chicago, Att'n: James Rooney

Representing Defendants

Reserve space below for notations by minute clerk

28 1971

oli J.

Plaintiff's motion for order that facts be taken as established is granted. Request for costs and attorneys fees is denied.

Hand this memorandum to the Clerk.
Counsel will not rise to address the Court until motion has been called.

AT END OF FOURTH BY DATE OF APPLICATION

MAY 1971

AABD AGED MAG

COUNTY OR DISTRICT OFFICE	NUMBER OF APPLICATIONS DISPOSED OF DURING MONTH	LENGTH OF TIME APPLICATION WAS PENDING									
		WITHIN 2 DAYS	3-10 DAYS	11-30 DAYS	31-60 DAYS	61-90 DAYS	91-120 DAYS	121-150 DAYS	151-180 DAYS	6-9 MNTHS	9-MNTHS OR OVER
0 200 NURS. HOME	42	5	5	13	7	1				1	5
0 201 WESTERN	25	2	7	8	7						1
0 202 MICHIGAN	43	19	18	6							
0 203 OAKLAND	37	1	7	17	2	1		1	1	1	6
0 204 NORTHERN	106	28	25	36	15	2					
0 205 PARK MANOR	22		2	5	10	3				2	
0 206 KENWOOD	63	5	8	19	17	6	2		2	1	3
0 207 MADISON	24	10	4	2	2	3	1				2
0 208 ENGLEWOOD	33	2	8	12	8	1				2	2
0 209 GA OFFICE	21			11	8		1		1		
0 212 KOOGLAWN	18	7	6	2	1		1			1	
0 213 R TAYLOR H	1			1							
0 214 OAK FOREST	3			2						1	
0 215 GARFIELD	13		3	6	3						1
0 216 CABRINI HM	2			1				1			
0 217 WICKER PRK	50	20	17	6	4	1		1			1
0 218 SOUTHERN	54	3	7	20	24						
0 220 IDA B WELL	2			1	1						
0 222 RO WELL G	2		1	1							
[illegible]	1			2		1					

90

72

MAY 1971

AABD AGED MAG

COUNTY OR DISTRICT OFFICE	NUMBER OF APPLICATIONS DISPOSED OF DURING MONTH	LENGTH OF TIME APPLICATION WAS PENDING									
		WITHIN 2 DAYS	3-10 DAYS	11-30 DAYS	31-60 DAYS	61-90 DAYS	91-120 DAYS	121-150 DAYS	151-180 DAYS	6-9 MNTHS	9-MNTHS OR OVER
0 225 STATEWAY G	1					1					
0 226 S SUBURBAN	24	2	2	11	5	4					
0 227 HOSP AP SV	5		1	2		1	1				
0 228 LOW. NORTH	21	1	5	8	4					1	2
0 229 N SUBURBAN	18	1	3	6	8						
REGION TOTALS	635	106	129	203	126	25	6	3	4	10	23
COOK TOTALS	635	106	129	203	126	25	6	3	4	10	23
1 015 BUREAU	1	1									
1 037 FULTON	2			1	1						
1 045 HENRY	4			3	1						
1 056 KNOX	1		1								
1 067 MARSHALL	1		1								
1 080 PEORIA	17	5	2	8	1	1					
1 089 ROCK ISLAN	5		1	4							
1 095 STARK	1		1								
1 098 TAZEWELL	2	1			1						
REGION TOTALS	34	7	6	16	4	1					
2 019 CHAMPAIGN	9	5		4							
2 021 CLARK	3			1							
[illegible]	[illegible]										

MAY 1971

AABD AGED MAG

COUNTY OR DISTRICT OFFICE	NUMBER OF APPLICATIONS DISPOSED OF DURING MONTH	LENGTH OF TIME APPLICATION WAS PENDING									
		WITHIN 2 DAYS	3-10 DAYS	11-30 DAYS	31-60 DAYS	61-90 DAYS	91-120 DAYS	121-150 DAYS	151-180 DAYS	6-9 MNTHS	9-MNTHS OR OVER
2 031 EDGAR	2			2							
2 033 EFFINGHAM	4	1	1	1	1						
2 046 IROQUOIS	2	1		1							
2 054 KANKAKEE	26	2	2	3	4	3			2	5	5
2 063 MACON	6	1	2	3							
2 072 MCLEAN	1			1							
2 094 SHELBY	2		2								
REGION TOTALS	58	10	8	18	5	3	2		2	5	5
3 010 ADAMS	10	3	3	1	3						
3 014 BROWN	3			3							
3 016 CASS	3	1		2							
3 020 CHRISTIAN	4			4							
3 036 GREENE	3		1	2							
3 042 HANCOCK	2			2							
3 050 JERSEY	3	1	1	1							
3 062 LOGAN	1			1							
3 064 MACOUPIN	1				1						
3 076 MONTGOMERY	1			1							
3 077 MORGAN	4		1	1	1					1	
3 083 PIKE	2	1									

AABD AGED MAG

COUNTY OR DISTRICT OFFICE	NUMBER OF APPLICATIONS DISPOSED OF DURING MONTH	LENGTH OF TIME APPLICATION WAS PENDING									
		WITHIN 2 DAYS	3-10 DAYS	11-30 DAYS	31-60 DAYS	61-90 DAYS	91-120 DAYS	121-150 DAYS	151-180 DAYS	6-9 MNTHS	9-MNTHS OR OVER
3 091 SANGAMON	16	2	3	11	2						
REGION TOTALS	55	8	10	29	7					1	
4 012 BOND	1			1							
4 025 CRAWFORD	2	2									
4 034 FAYETTE	1			1							
4 049 JEFFERSON	6	1		2	3						
4 059 LAWRENCE	2	1		1							
4 065 MADISON	14	4	7	2	1						
4 066 MARION	3			3							
4 088 RICHLAND	1			1							
4 096 ST CLAIR	27	5	8	13	1						
4 104 WAYNE	1		1								
REGION TOTALS	58	13	16	24	5						
5 011 ALEXANDER	2		1	1							
5 036 FRANKLIN	7	3	2		2						
5 041 HAMILTON	2	1	1								
5 047 JACKSON	1			1							
5 069 MASSAC	5	1	3	1							
5 090 SALINE	2		1		1						
5 099 UNI	3			2							

COUNTY OR DISTRICT OFFICE	NUMBER OF APPLICATIONS DISPOSED OF DURING MONTH	LENGTH OF TIME APPLICATION WAS PENDING: WITHIN 2 DAYS	3-10 DAYS	11-30 DAYS	31-60 DAYS	61-90 DAYS	91-120 DAYS	121-150 DAYS	151-180 DAYS	6-9 MNTHS	9-MNTHS OR OVER
5 105 WHITE	1		1								
5 108 WILLIAMSON	2	1	1								
REGION TOTALS	25	6	11	5	3						
6 013 BOONE	3		1		2						
6 017 CARROLL	1		1								
6 027 DEKALB	1		1								
6 030 DUPAGE	11	2	3	3	1		1			1	
6 051 JO DAVIESS	1		1								
6 053 KANE	19			6	9	2	1		1		
6 055 KENDALL	2		1	1							
6 057 LAKE	13	4	1	4	2					2	
6 058 LA SALLE	4	2			1						1
6 060 LEE	4			3		1					
6 071 MCHENRY	1		1								
6 079 OGLE	2			2							
6 097 STEPHENSON	4		4								
6 106 WHITESIDE	1			1							
6 107 WILL	8	2	3	2		1					
6 109 WINNEBAGO	18	3	3	10	1					1	
REGION TOTALS	93	13		32	16	4		1		4	1

FORMAT 2. MONTHLY REPORT OF DISPOSED APPLICATIONS AT END OF MONTH BY DATE OF APPLICATION

MAY 1971

AABD AGED MAG

COUNTY OR DISTRICT OFFICE	NUMBER OF APPLICATIONS DISPOSED OF DURING MONTH	LENGTH OF TIME APPLICATION WAS PENDING									
		WITHIN 2 DAYS	3-10 DAYS	11-30 DAYS	31-60 DAYS	61-90 DAYS	91-120 DAYS	121-150 DAYS	151-180 DAYS	6-9 MNTHS	9-MNTHS OR OVER
DOWNSTATE TOTALS	323	57	71	124	40	8	4	1	2	10	6
STATE TOTALS	958	163	200	327	166	33	10	4	6	20	29

MAY 1971

AABD BLIND MAG

COUNTY OR DISTRICT OFFICE	NUMBER OF APPLICATIONS DISPOSED OF DURING MONTH	LENGTH OF TIME APPLICATION WAS PENDING: WITHIN 2 DAYS	3-10 DAYS	11-30 DAYS	31-60 DAYS	61-90 DAYS	91-120 DAYS	121-150 DAYS	151-180 DAYS	6-9 MNTHS	9-MNTHS OR OVER
0 201 WESTERN	1				1						
0 203 OAKLAND	1				1						
0 204 NORTHERN	1		1								
0 206 KENWOOD	1		1								
0 207 MADISON	4	3	1								
0 208 ENGLEWOOD	1			1							
0 215 GARFIELD	1								1		
0 217 WICKER PRK	1		1								
0 218 SOUTHERN	1	1									
0 221 PEN HORNER	1					1					
0 222 ROCKWELL G	1									1	
0 228 LOW. NORTH	4	1		3							
REGION TOTALS	18	5	4	4	2	1			1	1	
COOK TOTALS	18	5	4	4	2	1			1	1	
1 080 PEORIA	5		1		1	1	1	1			
REGION TOTALS	5		1		1	1	1	1			
2 054 KANKAKEE	1						1				
2 072 MCLEAN	1			1							
2 100 VERMILION	2		1	1							
REGION TOTALS	4		2	1			1				

AABD DISABLED MAG

COUNTY OR DISTRICT OFFICE	NUMBER OF APPLICATIONS DISPOSED OF DURING MONTH	LENGTH OF TIME APPLICATION WAS PENDING									
		WITHIN 2 DAYS	3-10 DAYS	11-30 DAYS	31-60 DAYS	61-90 DAYS	91-120 DAYS	121-150 DAYS	151-180 DAYS	6-9 MNTHS	9-MNTHS OR OVER
C 200 NLRS. HOME	175	9	6	35	73	41	1	4		2	4
O 201 WESTERN	172	20	45	57	19	5	3	4	3	9	7
O 202 MICHIGAN	177	64	71	35	3			1	1	1	1
O 203 OAKLAND	132	5	44	38	18	6	1		1	1	18
O 204 NORTHERN	412	180	127	61	38	1	1			4	
O 205 PARK MANOR	79	14	8	29	21	3	4				
O 206 KENWOOD	173	16	51	43	28	16	5	5	4	4	1
O 207 MADISON	232	134	35	22	13	9	12	1	1	3	2
O 208 ENGLEWOOD	189	14	47	86	28	4	1			6	3
O 209 GA OFFICE	58	1	9	21	21	3	3				
O 212 WOODLAWN	26	7	8	4	6					1	
O 213 R TAYLOR H	6	1		3			1				1
O 214 OAK FOREST	8	2	2	1			2		1		
O 215 GARFIELD	71	10	15	17	17	6	1		1	4	
O 216 CABRINI HM	7		1	2	3	1					
O 217 HICKER PRK	215	108	51	39	7	3	3		1	3	
O 218 SOUTHERN	148	17	21	46	53	7	3		1		
O 220 IDA B WELL	3			3							
O 221 HEN HORNER	5		2	1	2						
O 222 ROCKWELL G	4			1	1	2					

JCB #1160C-041

ILLINOIS DEPARTMENT OF PUBLIC AID

FORMAT 2. MONTHLY REPORT OF DISPOSED APPLICATIONS AT END OF MONTH BY DATE OF APPLICATION

MAY 1971

AABD BLIND MAG

COUNTY OR DISTRICT OFFICE	NUMBER OF APPLICATIONS DISPOSED OF DURING MONTH	LENGTH OF TIME APPLICATION WAS PENDING: WITHIN 2 DAYS	3-10 DAYS	11-30 DAYS	31-60 DAYS	61-90 DAYS	91-120 DAYS	121-150 DAYS	151-180 DAYS	6-9 MNTHS	9-MNTHS OR OVER
3 091 SANGAMON	1			1							
REGION TOTALS	1			1							
4 066 MARION	1			1							
REGION TOTALS	1			1							
5 052 JOHNSON	1			1							
REGION TOTALS	1			1							
6 030 DUPAGE	1				1						
6 053 KANE	1			1							
6 106 WHITESIDE	2		1		1						
6 109 WINNEBAGO	1			1							
REGION TOTALS	5		1	2	2						
DOWNSTATE TOTALS	17		3	7	3	1	2	1			
STATE TOTALS	35	5	7	11	5	2	2	1	1	1	

AABD DISABLED MAG

COUNTY OR DISTRICT OFFICE	NUMBER OF APPLICATIONS DISPOSED OF DURING MONTH	LENGTH OF TIME APPLICATION WAS PENDING									
		WITHIN 2 DAYS	3-10 DAYS	11-30 DAYS	31-60 DAYS	61-90 DAYS	91-120 DAYS	121-150 DAYS	151-180 DAYS	6-9 MNTHS	9-MNTHS OR OVER
0 223 JANE ADDAM	10	1			5		2			1	1
0 224 H ICKES HM	9	1		3	5					1	
0 225 STATELAY G	7	1	2	3	1						
0 226 S SUBURBAN	109	7	8	31	32	24	3	2	1	1	
0 227 HOSP AP SV	55		7	18	19	4	3			2	2
0 228 LOW. NORTH	153	4	49	67	6	1	1	1	1	5	18
0 229 W SUBURBAN	66	1	8	24	24	8			1		
REGION TOTALS	2701	617	617	690	443	144	50	18	17	47	58
COOK TOTALS	2701	617	617	690	443	144	50	18	17	47	58
1 015 BUREAU	3		3								
1 037 FULTON	5		3		1				1		
1 044 HENDERSON	2				2						
1 045 HENRY	3				2			1			
1 056 KNOX	3				2				1		
1 067 MARSHALL	2	1			1						
1 070 MCDONOUGH	2				2						
1 074 MERCER	1					1					
1 090 PEORIA	37	7	6	6	7	3	6	1		1	
1 089 ROCK ISLAN	26	2	1	5	12	5	1				
1 098 TAZEWELL	7	5			1					1	

AABD DISABLED MAG

COUNTY OR DISTRICT OFFICE	NUMBER OF APPLICATIONS DISPOSED OF DURING MONTH	LENGTH OF TIME APPLICATION WAS PENDING									
		WITHIN 2 DAYS	3-10 DAYS	11-30 DAYS	31-60 DAYS	61-90 DAYS	91-120 DAYS	121-150 DAYS	151-180 DAYS	6-9 MNTHS	9-MNTHS OR OVER
1 102 WARREN	1				1		1				
1 110 WOODFORD	1					1					
REGION TOTALS	93	15	13	11	31	10	7	2	2	2	
2 019 CHAMPAIGN	30	5	5	5	12	1	1	1			
2 021 CLARK	1						1				
2 024 COLES	4			3				1			
2 028 DE WITT	2		1	1							
2 031 EDGAR	5	1		1	3						
2 033 EFFINGHAM	3			2		1					
2 035 FORD	1			1							
2 046 IROQUOIS	4	1	2		1						
2 054 KANKAKEE	67	3	2	4	13	15	10	6	6	6	2
2 061 LIVINGSTON	7		3	2		2					
2 063 MACON	20	1	1	1	3	7	5	1		1	
2 072 MCLEAN	8	1			3	3	1				
2 078 MOULTRIE	1	1									
2 094 SHELBY	2	1	1								
2 100 VERMILION	18	2	1	6	1		1	1	2	3	1
REGION TOTALS	173	16	16	26	36	29	19	10	8	10	3
3 010 ADA	20			1	4	3	1	4	2	1	

AABD DISABLED MAG

COUNTY OR DISTRICT OFFICE	NUMBER OF APPLICATIONS DISPOSED OF DURING MONTH	LENGTH OF TIME APPLICATION WAS PENDING									
		WITHIN 2 DAYS	3-10 DAYS	11-30 DAYS	31-60 DAYS	61-90 DAYS	91-120 DAYS	121-150 DAYS	151-180 DAYS	6-9 MNTHS	9-MNTHS OR OVER
3 018 CASS	1		1								
3 020 CHRISTIAN	4		1		1	2					
3 039 GREENE	4		3			1					
3 042 HANCOCK	1				1						
3 050 JERSEY	4		1	1	1	1					
3 062 LOGAN	5			2	2	1					
3 064 MACOUPIN	3				3						
3 068 MASON	2				2						
3 073 MENARD	4			2	2						
3 076 MONTGOMERY	3				2	1					
3 077 MORGAN	22	1	6	4	6	1	1	1	2		
3 083 PIKE	2			1			1				
3 091 SANGAMON	30	2	1	5	11	8		1		2	
3 092 SCHUYLER	2	1	1								
REGION TOTALS	107	4	16	16	35	18	5	6	4	3	
4 012 BOND	1	1									
4 022 CLAY	3			1	2						
4 023 CLINTON	7			1	2	4					
4 025 CRAWFORD	3			2				1			
4 032 EDWARDS	1				1						

COUNTY OR DISTRICT OFFICE	NUMBER OF APPLICATIONS DISPOSED OF DURING MONTH	LENGTH OF TIME APPLICATION WAS PENDING: WITHIN 2 DAYS	3-10 DAYS	11-30 DAYS	31-60 DAYS	61-90 DAYS	91-120 DAYS	121-150 DAYS	151-180 DAYS	6-9 MNTHS	9-MNTHS OR OVER
4 034 FAYETTE	2	1			1						
4 048 JASPER	1	1									
4 054 JEFFERSON	7	4	3								
4 056 LAWRENCE	6			2	3	1					
4 065 MADISON	75	6	5	5	20	15	8	10	2	3	1
4 066 MARION	3	1			2						
4 075 MONROE	6		1	3	2						
4 088 RICHLAND	2	1			1						
4 096 ST CLAIR	75	36	15	18	6						
4 101 WABASH	2			1	1						
4 104 WAYNE	6	1	1	1	2	1					1
REGION TOTALS	200	52	25	34	43	21	8	11	2	3	1
5 011 ALEXANDER	4	2		2							
5 036 FRANKLIN	22	4	2	3	6	5		2			
5 038 GALLATIN	1					1					
5 041 HAMILTON	1				1						
5 043 HARDIN	2		1				1				
5 047 JACKSON	10		1	1	2	3	1	1	1		
5 069 MASSAC	6	2		1	1	1	1				
[illegible]	9				1	1					

MAY 1971

AABD DISABLED MAG

COUNTY OR DISTRICT OFFICE	NUMBER OF APPLICATIONS DISPOSED OF DURING MONTH	LENGTH OF TIME APPLICATION WAS PENDING									
		WITHIN 2 DAYS	3-10 DAYS	11-30 DAYS	31-60 DAYS	61-90 DAYS	91-120 DAYS	121-150 DAYS	151-180 DAYS	6-9 MNTHS	9-MNTHS OR OVER
5 085 PULASKI	4	1		3							
5 087 RANDOLPH	2		1	1							
5 090 SALINE	10		1	1	2	4	1	1			
5 099 UNION	7			5	1		1				
5 105 WHITE	6		1	2	1	2					
5 108 WILLIAMSON	7		3	3		1					
REGION TOTALS	84	9	10	22	15	18	5	4	1		
6 013 BOONE	4			2	2						
6 017 CARROLL	1			1							
6 027 DEKALB	2		1		1						
6 030 DUPAGE	23	2		3	5	4	4	3	1	1	
6 040 GRUNDY	2			1	1						
6 051 JO DAVIESS	2				2						
6 053 KANE	57		2	11	23	14	4	2	1		
6 055 KENDALL	1	1									
6 057 LAKE	43	8	1	3	5	6	10	3	1	4	2
6 058 LA SALLE	9			3		4	1			1	
6 060 LEE	11			2	6		1	2			
6 071 MCHENRY	13	2	3	2	2	2	1	1			
6 079 OGLE	4			3						1	

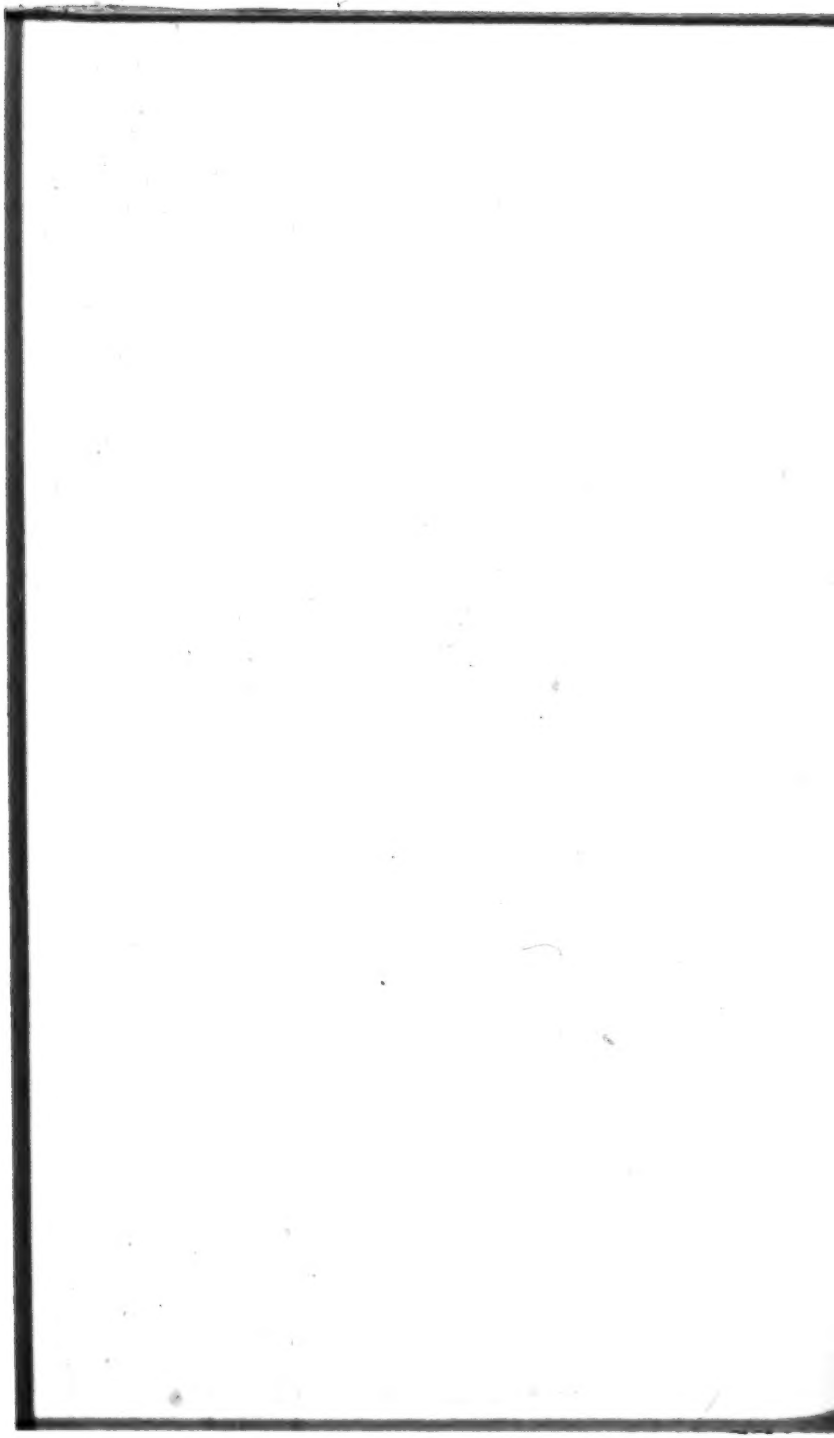
JOB 81600-041 ILLINOIS DEPARTMENT OF PUBLIC AID PAGE

FORMAT 2. MONTHLY REPORT OF DISPOSED APPLICATIONS AT END OF MONTH BY DATE OF APPLICATION

MAY 1971

AABD DISABLED MAG

COUNTY OR DISTRICT OFFICE	NUMBER OF APPLICATIONS DISPOSED OF DURING MONTH	LENGTH OF TIME APPLICATION WAS PENDING									
		WITHIN 2 DAYS	3-10 DAYS	11-30 DAYS	31-60 DAYS	61-90 DAYS	91-120 DAYS	121-150 DAYS	151-180 DAYS	6-9 MNTHS	9-MNTHS OR OVER
6 097 STEPHENSON	10			2	1	3	4				
6 106 WHITESIDE	14	1	4	1	4	3	1				
6 107 WILL	30	1	1	7	6	8	4		1	1	1
6 109 WINNEBAGO	87	9	14	37	16	6	4	1			
REGION TOTALS	313	24	26	78	74	50	34	12	4	8	3
DOWNSTATE TOTALS	970	120	106	187	234	146	78	45	21	26	7
STATE TOTALS	3671	737	723	877	677	290	128	63	38	73	65



INTER-OFFICE MEMORANDUM

Rec 6/24/71

Date June 23, 1971

COUNTY DEPARTMENT OF PUBLIC AID
PUBLIC ASSISTANCE DIVISION

. Charles McDowell, Supervisor — From Judson T. Murray, Assistant Chief

Bland District Office — Address Bureau of Resources and Legal Services

RDAN, John 03-203-125907 Civil Action File No. 71 C 70 U. S. District Court

s will confirm our telephone conversation of June 23, 1971, pertaining to troactive assistance for John Jordan, Disability Assistance recipient and intiff in the Federal Court case.

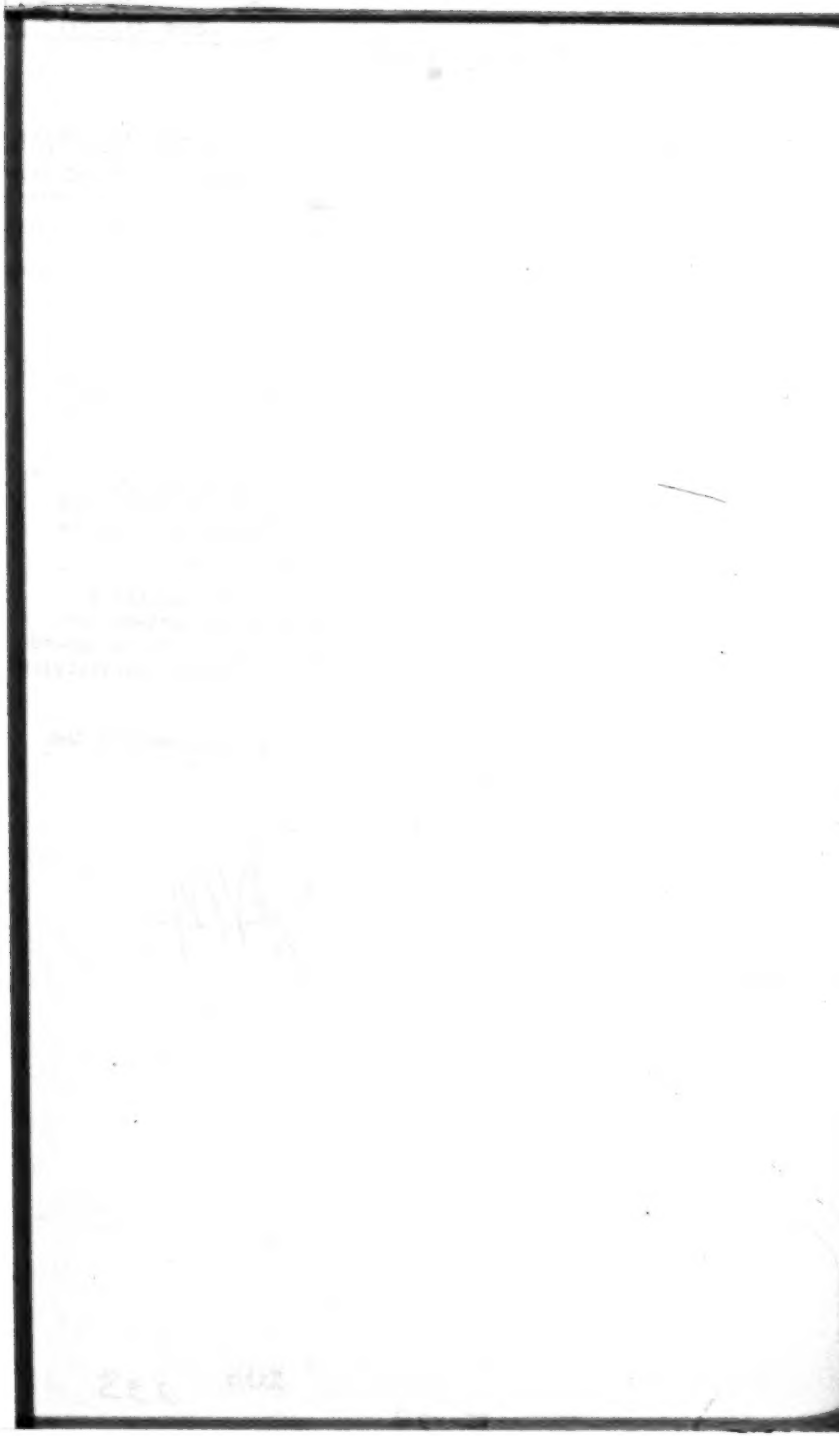
llowing request of the Office of the State's Attorney of Cook County, . O'Malley telephoned Mr. Gershon Hurwitz, Assistant Director, IDPA, and tained approval to issue retroactive assistance to Mr. Jordan in order to oid possible contempt citation on the Director, CCDPA.

u were requested to issue retroactive assistance for the two months im-diately preceding January 1, 1971, the effective date of assistance for . Jordan. Based on the regular February 1971 grant the amount to be issued uld total $195.66. It was agreed that your office would notify the recipient f this action.

e advised that by use of the Mercury Payroll, Mr. Jordan will receive the troactive grant about Wednesday, June 30, 1971.

JTM:v

c: Mrs. O'Malley



IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JOHN JORDAN, et al.,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	No. 71 C 70
	)	
HAROLD O. SWANK, etc., et al.,	)	
	)	
Defendants.	)	

DEFENDANTS' BRIEF IN OPPOSITION
TO MOTION OF PLAINTIFFS FOR SUMMARY
JUDGMENT, PERMANENT INJUNCTION,
AND OTHER RELIEF

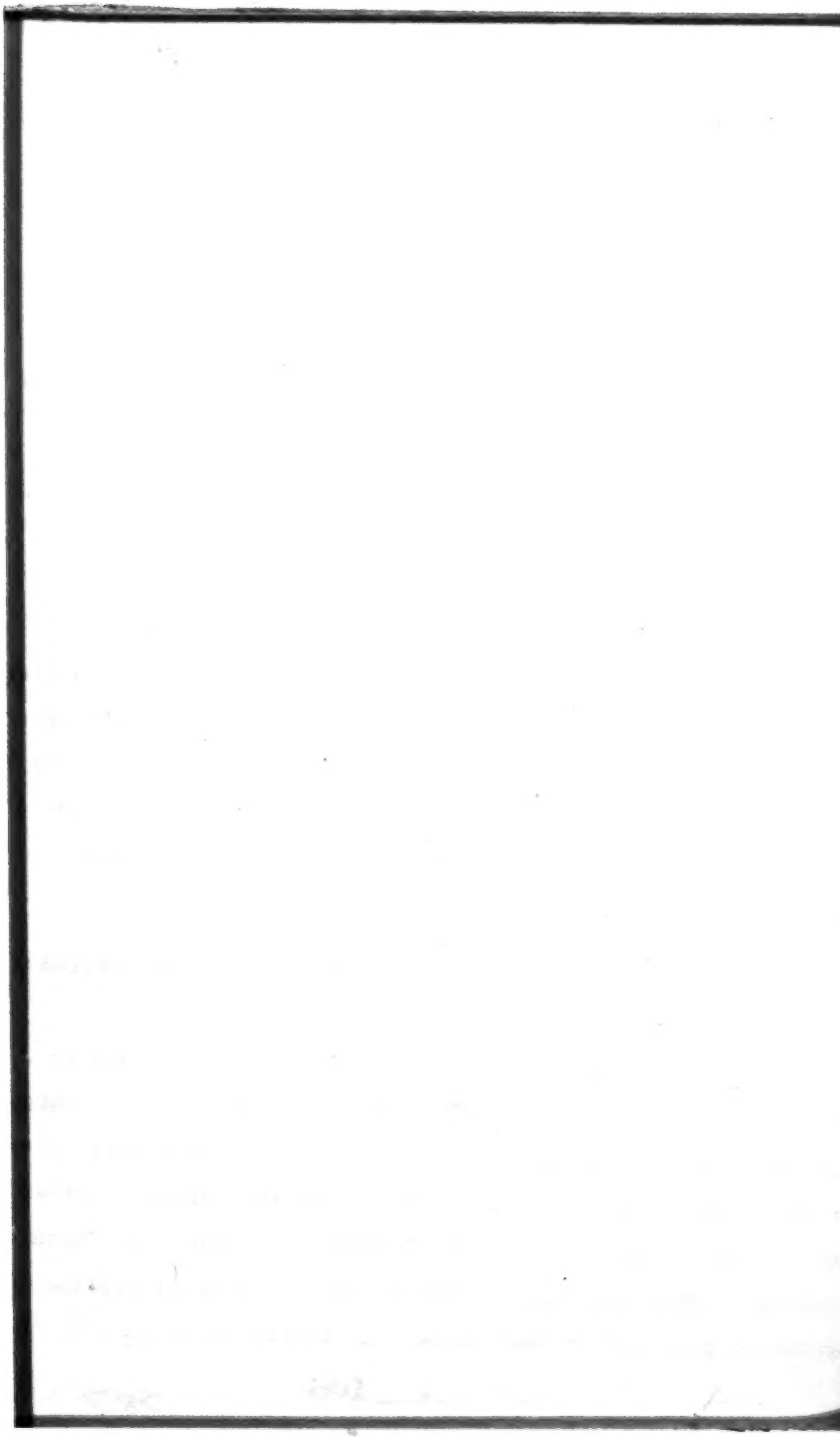
I. PLAINTIFFS ARE NOT ENTITLED TO SUMMARY JUDGMENT AS A MATTER OF LAW ON COUNT I.

A. Plaintiffs are Not Entitled to a Permanent Injunction

As is stated in Plaintiffs' brief, a preliminary injunction has previously been issued in this cause and the Defendants are making every effort to comply with said injunction. The entry of a permanent injunction would merely make this preliminary order a final order and the Defendants are not intentionally trying to disregard this Court's orders.

B. Plaintiffs are Not Entitled to all AABD Assistance Retroactive to July 1, 1968.

The principal case relied on by Plaintiffs here is RODRIGUEZ V. SWANK, 403 U.S. 901 (1971), affirming 318 F. Supp. 289 (N.D. Ill. 1970). In that case retroactive payments were ordered, but only back to the date of the filing of that lawsuit rather than back to July 1, 1968. The federal regulation which was found to be violated in that case took effect on July 1, 1968 as did the federal regulation involved in this cause. It should be noted that the



United State Supreme Court in Rodriguez felt that the granting of retroactive benefits to the date of the filing of the lawsuit was a sufficient deterent to the Defendants and that compelling such retroactive payments back to July 1, 1968 was unnecessary.

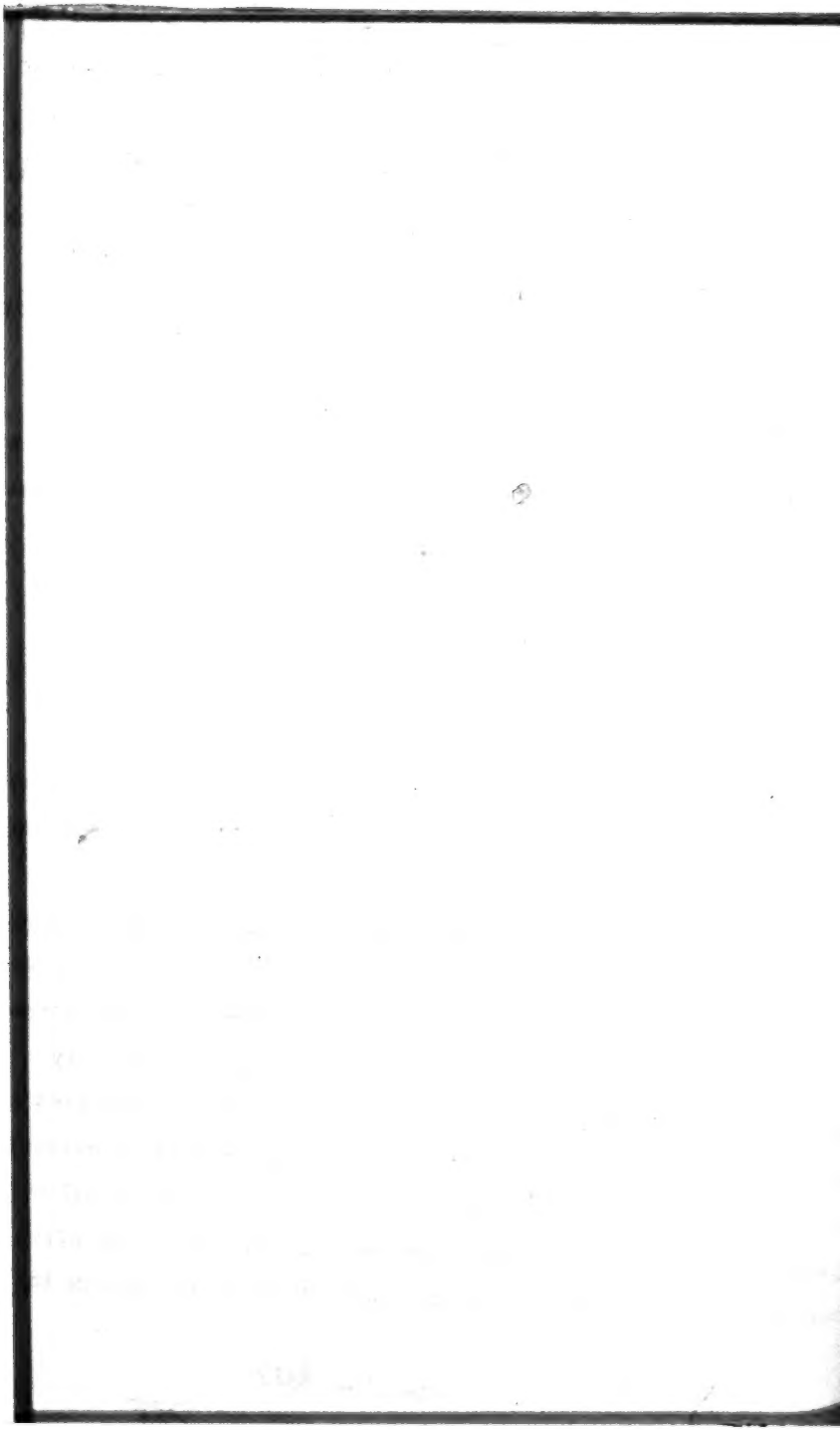
Likewise in the case at hand, any order of retroactivity of payments should not compel the payment of such benefits back any farther than the date this lawsuit was filed.

The Defendants do state that retroactivity of benefits in this case is totally unnecessary without a showing on the part of the Plaintiffs that they have actually suffered a loss as a result of not obtaining benefits on or before the thirtieth or sixtieth day.

C. This Court Should Not Impose Any Punitive Damages Against Harold O. Swank.

All of the cases relied upon by the Plaintiffs are clearly distinguishable from the case at hand, and they will be considered in the order in which Plaintiffs cited them.

First, the case of Adickes v. S. H. Kress and Company, 90 S. Ct. 1598, 398 U.S. 144 (1970) involved an action by a white woman who had been denied service in the defendant's restaurant because she was in the company of Negroes. A New York City policeman was involved in the action because he had arrested the plaintiff while she was attempting to obtain a meal in defendant's restaurant. This case was remanded for a new trial to allow the plaintiff to prove her case. However, in that case the plaintiff had to show direct action on the part of the State and in the case



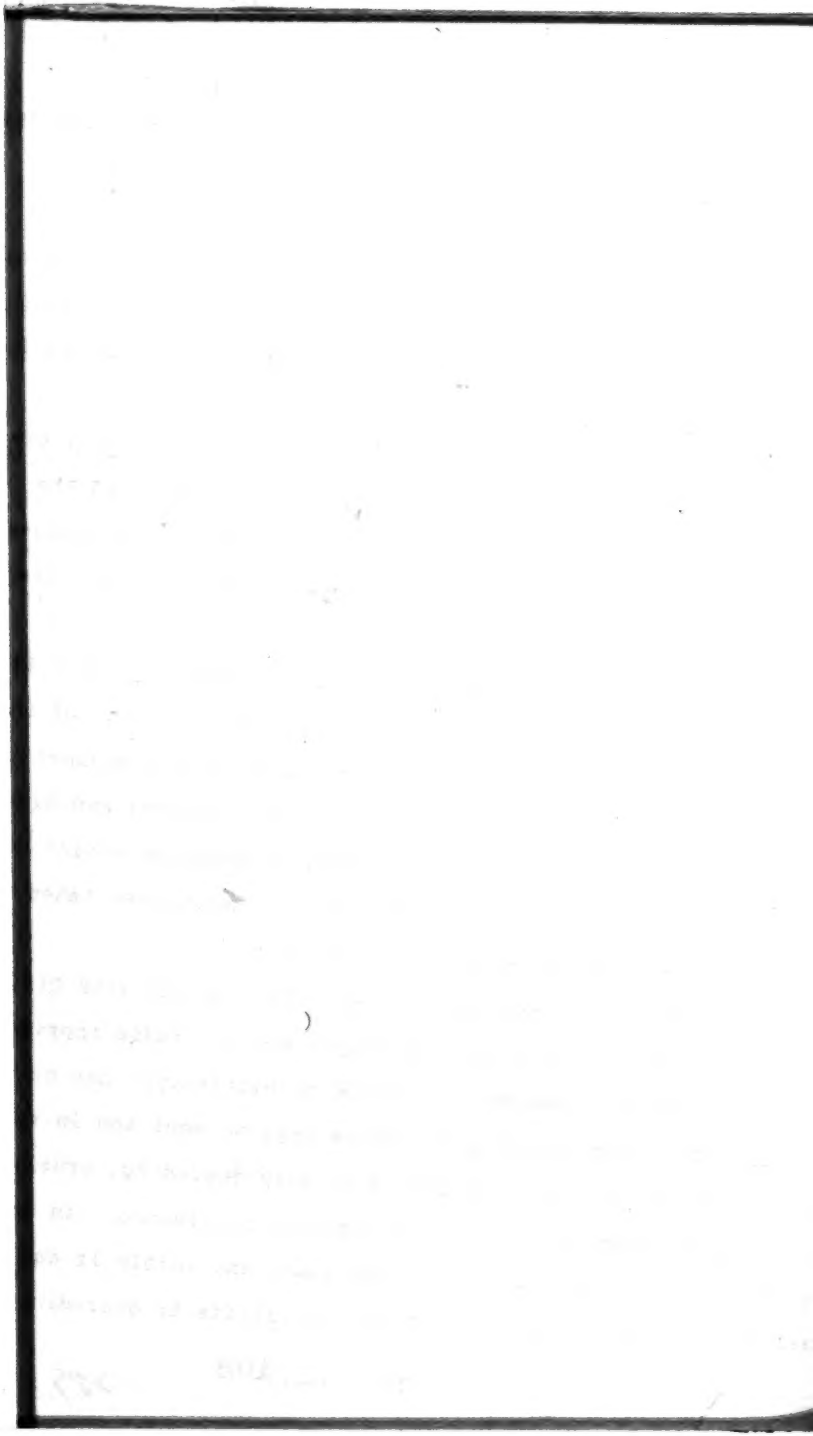
at bar there is no direct action on the part of Mr. Swank.

Second, is the case of Caperci v. Hantoon, 397 F.2d 799 (1st Cir., 1968). This case also involved actions of police officers, where they conducted an illegal search of plaintiff's home without either probable cause or a search warrant. Here too, direct action of these police officers is involved in depriving plaintiff of his rights; while in the case at hand, Defendant Swank did no positive acts.

Third, in Lee v. Southern Home Sites Corporation, 429 F.2d 290 (5th Cir., 1970) the court denied punitive damages to the plaintiff who was not allowed to purchase a home solely because of his race. That case involves no state official and is clearly inapplicable to the case at hand.

Fourth, is the case of Mansell v. Saunders, 372 F.2d 573 (5th Cir., 1967). The Court held that the complaint of the owner of a garbage business stated a cause of action against county commissioners for violation of his due process and equal protection rights. This case also involved positive action on the part of the defendants and no such positive action was taken by Mr. Swank in the cause now before this court.

Next, in Anderson v. Nosser, 438 F.2d 183 (5th Cir., 1971) the court held that damages were proper for the false imprisonment of demonstrators. However, the State of Mississippi has no law granting officials immunity for false imprisonment and in that case the plaintiffs were also subjected to very degrading, cruel, and unusual punishment while being wrongfully imprisoned. In the case at bar, no such positive action was taken and surely it cannot be said that Mr. Swank subjected these plaintiffs to degrading, cruel



or unusual pulishment.

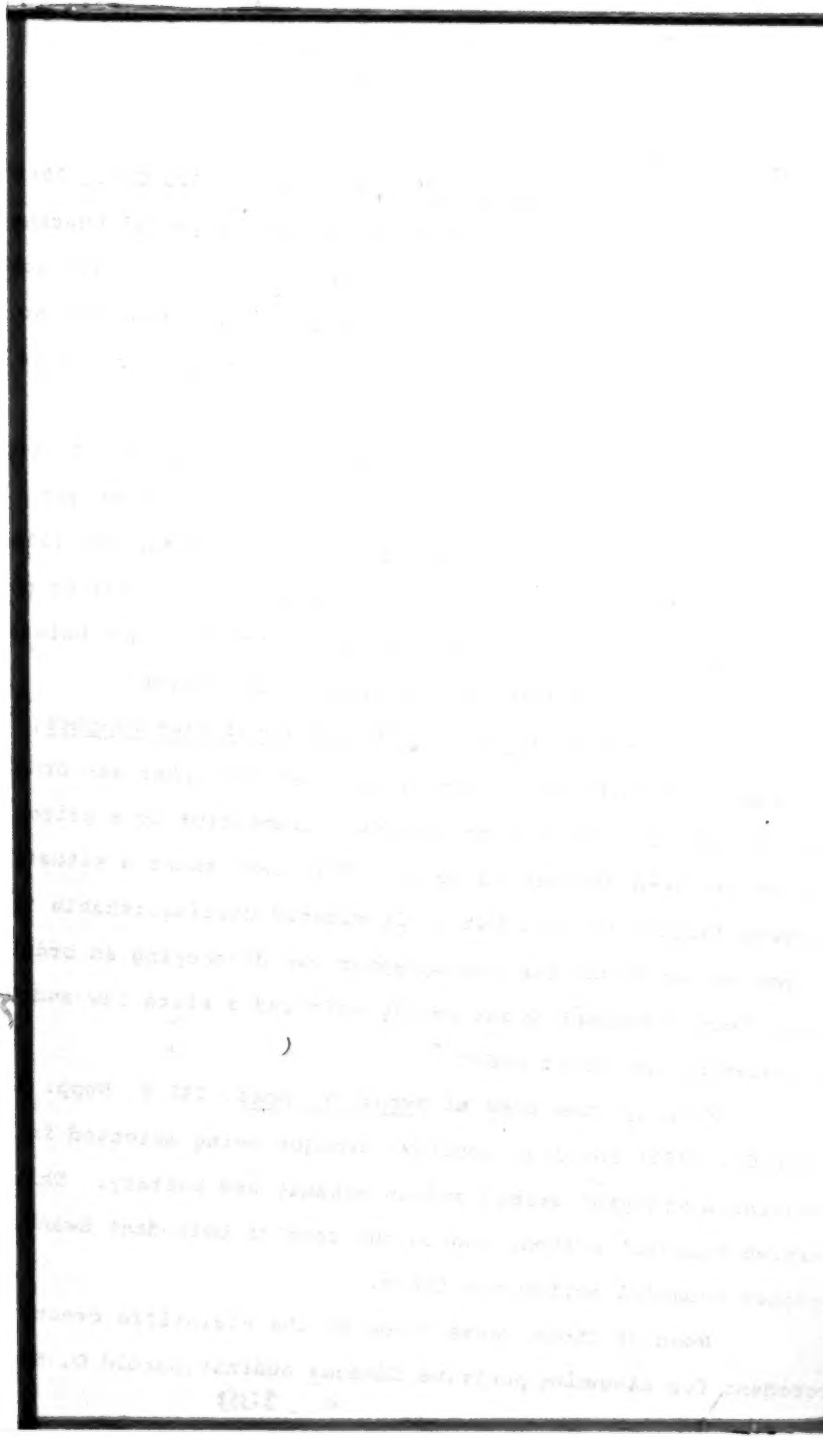
Fifth, in Basista v. Weir, 340 F.2d 74 (3rd Cir., 1965), the plaintiff was subjected to wrongful arrest, physical beating, and humiliation before his neighbors, and this took positive action on the part of the police officer. Defendant Swank has done no positive acts and also has done nothing so patently wrongful as was the case in Basista.

In addition, the Court in Rhoads v. Horvat, 270 F. Supp. 307 (D.C. Col., 1967) held that $5,000.00 in compensatory and $2,500.00 in exemplary damages was a liberal award for the illegal arrest and detention of the plaintiff. Again, this involves positive action on the part of the defendants and in the case now before this court there was no positive action taken by Mr. Swank.

Also, in Washington v. Official Court Stenographer, 251 F.Supp. 945 (D.C. Pa., 1966) a court stenographer was ordered to pay damages for failure to provide a transcript to a prisoner after he had been ordered to do so. This case shows a situation involving failure to act, but it is clearly distinguishable from the case at bar since the stenographer was disobeying an order of court. Here Defendant Swank merely enforced a state law and was not violating any court order.

Finally, the case of Brooks v. Moss, 242 F. Supp. 531 (W.D.S.C., 1965) involved punitive damages being assessed in a case involving a wrongful arrest and an assault and battery. This was positive wrongful action; and in the case of Defendant Swank, no positive wrongful action was taken.

None of these cases cited by the Plaintiffs create any precedent for assessing punitive damages against Harold O. Swank.



All of these cases concern affirmative action or inaction rather than a lack of diligence of a person in a top executive position. None of those defendants had jobs of a such a high position as Mr. Swank and they all involved close personal action between the plaintiffs and the defendants.

Therefore, this is not a proper case for the assessment of punitive damages, and to do so would be neither reasonable nor justifiable.

II. PLAINTIFFS ARE NOT ENTITLED TO SUMMARY JUDGMENT ON COUNT II

A. Nothing in the Illinois Public Aid Code Requires That AABD Assistance Be Granted From the Date of Application.

Plaintiffs cite no State or Federal law or regulation which requires that assistance be granted from the date of application. Instead they simply state that since no provisions in the law authorize the present position of the Department it must be the wrong position.

This is a novel position, and totally incorrect, because the reasoning is that the only things that can be done are those which are specifically spelled out. Yet, the Plaintiffs state that the Defendants must grant assistance from the date of application even though no specific provision requires it.

Plaintiffs cite People ex. rel. Naughton v. Illinois Department of Public Aid, No. 70 L 11380 (Circuit Court of Cook County, 1971) as precedent for their position here. As is clear from Plaintiffs' Brief, this was a trial court decision and is therefore without any precedent value whatsoever.

Then it is stated by Plaintiffs that since this case was never appealed, it should be taken as state court precedent. This too is clearly a position without basis or justification.

Plaintiffs next cite five cases they feel control this case. These cases are all distinguishable, and will be treated separately.

First, Ewing v. Gardner, 185 F.2d 781 (6th Cir. 1950) involved Social Security benefits, not public assistance, and therefore has no value in this cause.

Second, Anderson v. United States, 205 F.2d326 (9th Cir. 1953) involved annuities, and therefore clearly has no application to public assistance grants.

Next, Conant v. State, 197 Wash. 21, 84 P.2d 378 (1938) involved old age assistance, but closer inspection of that case reveals that the Washington state statute specifically provided that assistance be granted from the date of application.

In addition, the case of Finley v. Marion County, 81 Ore. 294, 159 P. 557 (1916) involved pension benefits rather than public assistance.

Finally, In Re Wolfe, 81 Ore, 297, 159 P. 558 (1916) also did not involve public assistance.

Therefore, none of these cases have any application to the case at hand, and the Plaintiffs arguments are without basis.

B. Defendants' Actions Do Not Violate the Federal Requirements For Equitable and Objective Treatment of AABD Applicants.

While it is true that some applications are processed more quickly than others, many factors can cause this result. One

is that some caseworkers are busier than others, but others are that some applications take longer to process than others because of the factors that must be determined to exist in order to determine eligibility.

C. There Is No Violation of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

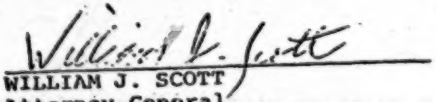
In order to prove a violation of the equal protection clause, it must be shown that an unreasonable and arbitrary classification exists which was caused by the affirmative action of the defendants.

Here there have been no classifications of any kind set up by actions of the Defendants. Rather a situation has arisen, completely outside the effective control of the Defendants, and this is not sufficient to prove violation of the equal protection clause.

In addition, the relief Plaintiffs have received by the preliminary injunction already issued by this court is sufficient to alleviate the problems complained of here.

CONCLUSION

Therefore, Defendants respectfully submit that the Plaintiffs' motion for summary judgment, permanent injunction, and other relief should be denied.



WILLIAM J. SCOTT
Attorney General
State of Illinois
Attorney for Defendants,
Illinois Dept. of Public Aid,
Harold O. Swank, and
Edward T. Weaver, Successor Director
160 North La Salle Street
Chicago, Illinois 60601

EDWARD FISHER
ssistant Attorney General
(Of Counsel)
93-3656

STATE OF ILLINOIS)
) SS
COUNTY OF C O O K)

THE UNDERSIGNED, being first duly sworn on oath, deposes and says that a copy of the foregoing

DEFENDANTS' BRIEF IN OPPOSITION TO MOTION OF PLAINTIFS FOR SUMMARY JUDGMENT, PERMANENT INJUNCTION, AND OTHER RELIEF

was served upon the following by delivering such copy on December 1, 1971

Sheldon H. Roodman
Community Legal Counsel
116 South Michigan Avenue
Chicago, Illinois 60603

Edward V. Hanrahan
State's Attorney of Cook County
500 Civic Center
Chicago, Illinois
Attention: James Rooney

Martin A. Schwartz

SUBSCRIBED AND SWORN TO
before me this 1st day
of December, 1971, A.D.

Notary Public

Attachment 6 #23

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

#23

JOHN JORDAN, et al.,

Plaintiffs,

vs.

HAROLD O. SWANK, etc., et al.,

Defendants.

No. 71 C 70

NOTICE AND PROOF OF SERVICE

TO: Sheldon H. Roodman
Community Legal Counsel
116 South Michigan Avenue
Chicago, Illinois 60603

William J. Scott
Attorney General of Illinois
160 North LaSalle Street
Chicago, Illinois 60601
ATTN.: C. Edward Fisher

PLEASE TAKE NOTICE that the defendants, DAVID L. DANIEL and the COOK COUNTY DEPARTMENT OF PUBLIC AID do not intend to file a separate brief in opposition to plaintiff's motion for summary judgment and other permanent relief. They adopt in toto the brief filed December 1, 1971, by the Attorney General of Illinois as their brief.

EDWARD V. HANRAHAN
State's Attorney of Cook County

By: _____
James A. Rooney
Assistant State's Attorney

JAMES A. ROONEY, hereby certifies that he served copies of this notice and proof of service by mailing said copies on December 6, 1971 to the parties to whom it is directed.

James A. Rooney

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JOHN JORDAN, by his next friend, JEANETTE BRYANT, individually and on behalf of all other persons similarly situated, Plaintiffs,	)	
vs.	)	NO. 71 C 70
HAROLD O. SWANK, Director, Illinois Department of Public Aid; DAVID DANIEL, Director, Cook County Department of Public Aid; EDWARD J. BARRETT, Comptroller of Cook County, individually and in their official capacities, Defendants.	)	

MEMORANDUM OPINION AND ORDER

This civil rights action challenges the administration of federally funded Aid to the Aged, Blind and Disabled program (AABD) by the defendants. Currently, the plaintiff has moved for summary judgment seeking a permanent injunction, declaratory judgment, and punitive damages. Plaintiff argues and the court agrees that there exists no genuine issue of material fact.

Section 1382(a)(8) of Title 42 provides that assistance under the AABD plan shall be made to eligible applicants with reasonable promptness. Federal regulations stipulate that reasonable promptness shall not exceed 30 days for aid to the aged and blind and 60 days for the disabled. These time limitations are mandatory.

driquez v. Swank, 318 F. Supp. 289 (N.D. Ill. 1970) (Kiley, Will d Decker, JJ). The defendants, as administrators of the Illinois rogram, have not complied with these limits, either for determining ligibility or in furnishing the first assistance check. Federal andbook of Public Assistance Administration, Part IV, §§2200(b)(3)(4) nd 2300(b)(3)(5). For the reasons stated by plaintiff in his memoran- m, the court agrees that the plaintiff class is entitled as a matter f law to a permanent injunction to insure compliance, present and uture, with the requisite time limitations.

Based on the same authority a final judgment will be entered eclaring the Illinois Categorical Assistance Manual sections 4004 nd 8255 (and subsections thereunder) as applied to applicants for AABD to be invalid insofar as they are inconsistent with the Social Security Act and regulations issued pursuant thereto.

Plaintiff also seeks punitive damages against defendant Swank, who was the Director of the Illinois program. The court is not inclined to grant such damages, believing the permanent injunction to be a sufficient deterrent to future violations.

Finally, a final judgment and permanent injunction is sought requiring defendants to pay to those applicants for AABD since July 1, 1968, who met the eligibility requirements for AABD at the time

of their applications, AABD benefits from the date of their application. Based on the Rodriquez case and other authority cited by plaintiff, the class is entitled to such payments at least from the last day of the requisite time limitations contained within the federal regulatio The class consists of those applicants who applied for AABD since the effective date of the regulations, July 1, 1968, and did not receive their initial check as required within the 30 day or 45 day (60 days for aid to the disabled as of January 1, 1971) limits. Lewis v. Riggins, _____F. Supp._____ (Cause No. 71 H 19, N. D. Ind. May 19, 1971).

Plaintiff, however, seeks the retroactive payments from the date of application rather than the last day of the time limitati The court cannot agree with this position. The federal statute and regulations grant a reasonable time to the administrators to act upon the application and require payments to begin only within that period but not from the beginning of such period. This court perceiv no requirement that the assistance shall be paid retroactively to the date of application. Nor is the right to the equal protection of the law violated by such an order. The processing of some applications faster than others within the time limits does not establish arbitra classifications constituting invidious discrimination. No classifi- cations will be processed before others. As long as all are complet

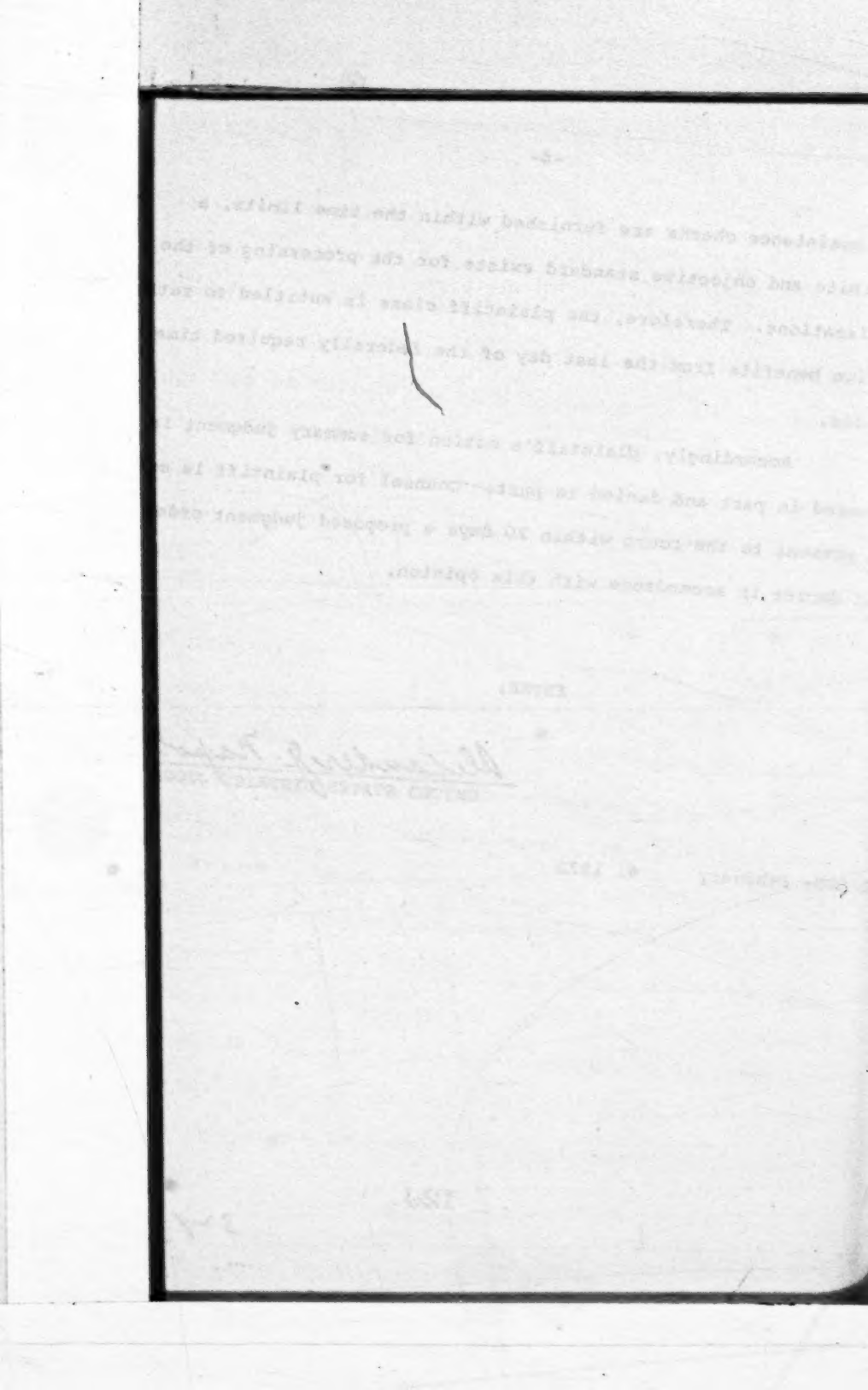
and assistance checks are furnished within the time limits, a definite and objective standard exists for the processing of the applications. Therefore, the plaintiff class is entitled to retroactive benefits from the last day of the federally required time limits.

Accordingly, plaintiff's motion for summary judgment is granted in part and denied in part. Counsel for plaintiff is ordered to present to the court within 20 days a proposed judgment order and decree in accordance with this opinion.

ENTER:

Alexander J. Napoli
UNITED STATES DISTRICT JUDGE

DATED: February 4, 1972



IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JOHN JORDAN, et al.,)
)
Plaintiffs,)
)
vs.) No. 71 C 70
)
EDWARD T. WEAVER, et al.,)
)
Defendants.)

NOTICE OF FILING

To: William J. Scott
Attorney General
160 N. LaSalle St.
Chicago, Ill.60601
Attn: Richard Byrne

Edward V. Hanrahan
State's Attorney
500 Civic Center
Chicago, Ill.60602
Attn: James Rooney

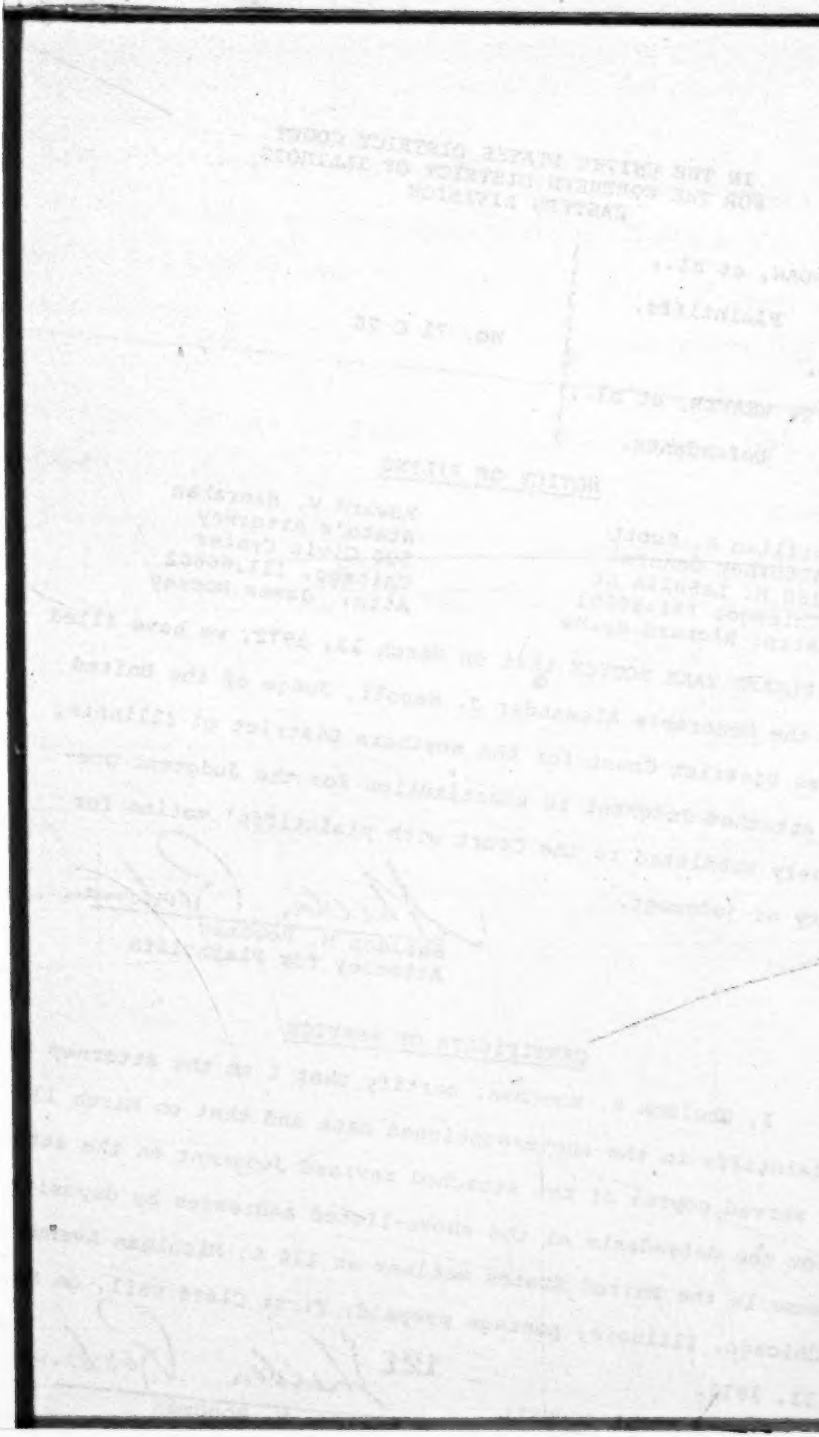
PLEASE TAKE NOTICE that on March 13, 1972, we have filed with the Honorable Alexander J. Napoli, Judge of the United States District Court for the Northern District of Illinois, the attached Judgment in substitution for the Judgment previously submitted to the Court with plaintiffs' motion for entry of judgment.

Sheldon Roodman
Sheldon H. Roodman
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I, Sheldon H. Roodman, certify that I am the attorney for plaintiffs in the above-captioned case and that on March 13, 1972, I served copies of the attached revised Judgment on the attorneys for the defendants at the above-listed addresses by depositing same in the United States mailbox at 116 S. Michigan Avenue, Chicago, Illinois, postage prepaid, First Class mail, on March 13, 1972.

121 Sheldon Roodman



IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JOHN JORDAN, by his next friend, JEANETTE BRYANT, individually and on behalf of all other persons similarly situated,	)	
Plaintiffs,	)	
vs.	)	No. 71 C 70
EDWARD T. WEAVER, Director, Illinois Department of Public Aid; HAROLD O. SWANK, former Director, Illinois Department of Public Aid; DAVID L. DANIEL, Director, Cook County Department of Public Aid; EDWARD J. BARRETT, Comptroller of Cook County, individually and in their official capacities,	)	
Defendants.	)	

JUDGMENT

This action came on for hearing before the Court, Honorable Alexander J. Napoli, United States District Court, and the issues having been duly heard and a Memorandum Opinion and Order having been duly rendered on February 4, 1972,

IT IS HEREBY ORDERED, ADJUDGED, and DECREED:

1. The defendants DAVID L. DANIEL, Director, Cook County Department of Public Aid, and EDWARD J. BARRETT, Comptroller of Cook County, and EDWARD T. WEAVER, Director, Illinois Department of Public Aid, their agents, including

all of the County Departments of Public Aid in the State of Illinois, their employees, and all persons in active concert and participation with them, are hereby permanently enjoined from failing to make determinations of eligibility and mailing either the first full AABD assistance check or notification of denial of assistance, within thirty days from the date of application as to applicants for aid to the aged and blind under the AABD program in the State of Illinois, and within sixty days from the date of application as to applicants for aid to the disabled under the AABD program in the State of Illinois, except as provided in paragraph 3, infra.

2. The entitlement of all eligible AABD applicants in the State of Illinois shall attach no later than the thirtieth (30th) day from the date of application as to aged and blind applicants, and no later than the sixtieth (60th) day from the date of application as to disabled applicants. In any case in which eligibility is determined subsequent to the thirtieth day or sixtieth day, respectively, the applicant shall be entitled to AABD assistance retroactive at the very least to the thirtieth (30th) day or sixtieth (60th) day, respectively, subject only to the exception in paragraph 3, infra. If the applicant is denied AABD assistance retroactive to the thirtieth (30th) or sixtieth (60th) day, respectively, pursuant to paragraph

3, infra, said applicant must receive a written statement explaining (a) the unusual circumstances, referred to in paragraph 3, upon which the denial is based, and (b) that the applicant has the right to appeal within sixty (60) days this decision of the County Department of Public Aid.

3. The thirty-day requirement as defined in paragraphs 1 and 2 and in 45 C.F.R. §206.10(a) (36 Fed.Reg. 3864, February 29, 1972) shall be strictly complied with except in unusual circumstances, e.g., where the agency cannot reach a decision because of failure or delay on the part of the applicant or an examining physician, or because of some administrative or other emergency that could not be controlled by the agency, in which instances the case record shows the cause for the delay.

4. Illinois Categorical Assistance Manual, Section 4004, and subsections thereunder, as applied to applicants for AABD are invalid insofar as they are inconsistent with the requirements of paragraphs 1 and 2, supra.

5. That the defendant EDWARD T. WEAVER, Director, Illinois Department of Public Aid, his agents, including all of the County Departments of Public Aid in the State of Illinois, and employees, and all persons in active concert and participation with them, are hereby enjoined to release and remit AABD benefits wrongfully withheld to all applicants for AABD in the State of Illinois who

applied between July 1, 1968 and April 16, 1972, and were determined eligible, as follows:

(a) For those aged and blind applicants whose first full AABD check was not mailed within thirty days from the date of application, AABD assistance for the period beginning with the thirtieth day from the date of application to the date the applicant's entitlement to AABD became effective;

(b)(i) For those disabled applicants who applied between July 1, 1968 and December 31, 1970, whose first full AABD check was not mailed within forty-five days from the date of application, AABD assistance for the period beginning with the forty-fifth day from the date of application to the date the applicant's entitlement became effective;

(ii) For those disabled applicants who applied between January 1, 1971 and April 16, 1971, whose first full AABD check was not mailed within sixty days from the date of application, AABD assistance for the period beginning with the sixtieth day from the date of application to the date the applicant's entitlement became effective.

These AABD benefits shall be mailed to those persons currently receiving AABD within eight months with an explanatory

338

letter, said letter having been first approved by plaintiffs' attorney. Any AABD benefits received pursuant to this paragraph shall not be deemed income or resources under Article III of the Illinois Public Aid Code.

For those persons not presently receiving AABD:

(a) A certified letter (return receipt requested), said letter having been first approved by plaintiffs' attorney, shall be sent to the last known address of the person, informing him in concise and easily understandable terms that he is entitled to a specified amount of AABD benefits wrongfully withheld, and that he may claim such amount by contacting the County Department of Public Aid at a specified address, within 45 days from the receipt of said letter.

(b) If the County Department of Public Aid does not receive a claim for the AABD benefits within 45 days from the date of actual notice to the person, the right to said AABD benefits shall be forfeited and the file shall be closed. Persons who do not receive actual notice do not forfeit their rights to AABD benefits wrongfully withheld under this provision.

6. Within 15 days from the date of this decree, defendant EDWARD T. WEAVER, Director, Illinois Department of Public Aid, shall submit to the Court and the plaintiffs' attorney a detailed statement as to the method for effectuating the relief required by paragraph 5, supra, of this Decree. Any disputes between the parties as to whether the procedures and steps outlined by the defendant WEAVER will fulfill the requirements of this Decree will be resolved by the Court.

7. The defendants shall have the continuing obligation to submit to the Court and to the plaintiffs' attorney a detailed monthly report indicating the number of AABD applications disposed of by length of time from the date of application, for each county in the State of Illinois, and such other information which accurately reflects the time for processing AABD applications, until such time that such reports establish compliance with the terms of this order for six months.

8. Defendant EDWARD T. WEAVER, Director, Illinois Department of Public Aid, shall issue a bulletin of the Illinois Department of Public Aid incorporating the essence of this judgment within 15 days from the entry thereof.

9. This judgment shall be binding upon defendants, their officers, agents, servants, employees and their successors, and upon those persons in active concert or participation with them who receive actual notice of the judgment by personal service or otherwise.

10. The prayer of the plaintiffs for punitive damages against the defendant HAROLD O. SWANK is hereby denied.

11. This Court shall retain continuing jurisdiction over this cause for all purposes.

ENTER:

Alexander J. Napoli

Alexander J. Napoli, Judge
United States District Court

Dated: March 15, 1972

Illinois Department of Public Aid

MAG APPLICATIONS DISPOSED BY PROGRAM

Number and Percent Disposed Within Time Limits

MARCH 1973

	ADC-C	OAA	BA	BA	TOTAL
STATE	9,776	750	43	4,071	14,640
No. in time	9,702	717	36	4,037	14,492
% in time	99.2	95.6	83.7	99.2	99.0
DOWNSTATE	4,625	308	20	1,578	6,531
No. in time	4,617	304	17	1,565	6,503
% in time	99.8	98.7	85.0	99.2	99.6
COOK	5,151	442	23	2,493	8,109
No. in time	5,085	413	19	2,472	7,989
% in time	98.7	93.4	82.6	99.2	98.5
REGION 1A	488	28	-	173	689
No. in time	488	28	-	173	689
% in time	100.0	100.0	100.0	100.0	100.0
REGION 1B	658	33	-	193	884
No. in time	658	33	-	193	884
% in time	100.0	100.0	100.0	100.0	100.0
REGION 2	960	74	9	374	1,417
No. in time	954	71	6	361	1,392
% in time	99.4	95.9	66.7	96.5	98.2
REGION 3A	555	38	2	189	784
No. in time	555	38	2	189	784
% in time	100.0	100.0	100.0	100.0	100.0
REGION 3B	559	41	1	228	829
No. in time	557	40	1	228	826
% in time	99.6	97.6	100.0	100.0	99.6
REGION 4	825	53	2	264	1,144
No. in time	825	53	2	264	1,144
% in time	100.0	100.0	100.0	100.0	100.0
REGION 5	580	41	61	157	784
No. in time	580	41	61	157	784
% in time	100.0	100.0	100.0	100.0	100.0

Illinois Department of Public Aid

MAG APPLICATIONS DISPOSED BY PROGRAM

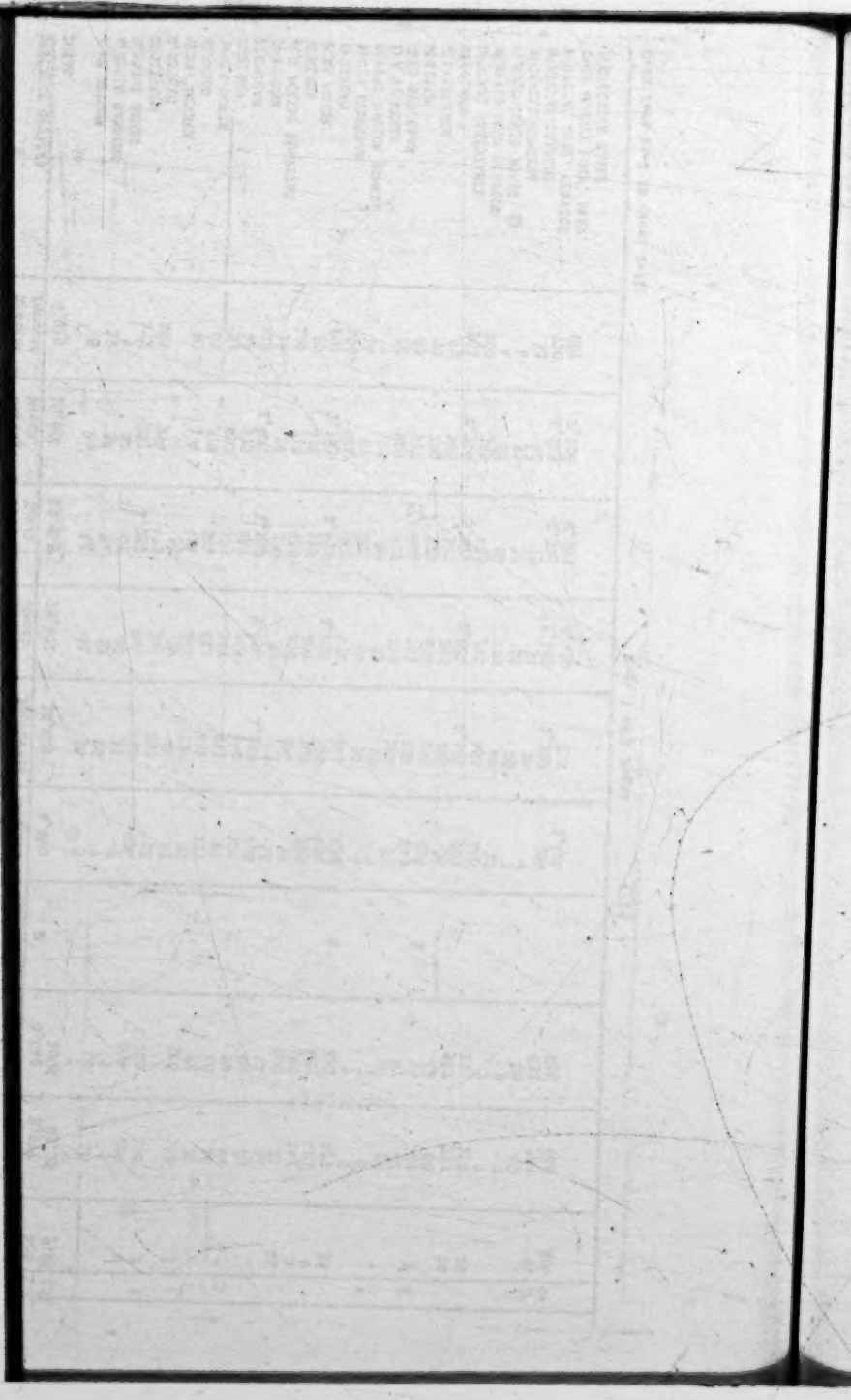
Number and Percent Disposed Within Time Limits

February 1973

	ADC-C	OAA	BA	DA	TOTAL
STATE	8,552	603	39	3,239	12,433
No. in time	8,420	564	37	3,198	12,219
% in time	98.5	93.5	94.9	98.7	98.3
DUPSTATE	4,140	252	17	1,212	5,621
No. in time	4,116	239	16	1,197	5,568
% in time	99.4	94.8	94.1	98.8	99.1
COOK	4,412	351	22	2,027	6,812
No. in time	4,304	325	21	2,001	6,651
% in time	97.6	92.6	95.5	98.7	97.6
REGION 1A	400	22	-	140	562
No. in time	399	22	-	139	560
% in time	99.8	100.0	-	99.3	99.6
REGION 1B	586	38	1	128	753
No. in time	586	34	1	128	749
% in time	100.0	89.5	100.0	100.0	99.5
REGION 2	815	61	8	295	1,179
No. in time	804	60	8	287	1,159
% in time	98.7	98.4	100.0	97.3	98.3
REGION 3A	457	37	2	107	603
No. in time	448	32	1	104	585
% in time	98.0	86.5	50.0	97.2	97.0
REGION 3B	573	24	2	165	764
No. in time	571	21	2	162	756
% in time	99.7	87.5	100.0	98.2	99.0
REGION 4	800	36	1	232	1,069
No. in time	799	36	1	232	1,068
% in time	99.9	100.0	100.0	100.0	99.9
REGION 5	509	34	3	145	691
No. in time	509	34	3	145	691
% in time	100.0	100.0	100.0	100.0	100.0

REPORT OF TOTAL APPLICATIONS ACTIVITY
FOR THE MONTH OF MAY, 1973

DISTRICT OFFICES	Brought Forward	Received During Month	On Hand During Month	DISPOSITIONS Total During Month	Approvals	Denials	Transfers Out	PENDING AT END OF M Total	Less Than 31 Days	31 thr 60 Days	Over 60 Days
TOTAL	4,019	15,894	19,913	15,471	10,629	4,840	2	4,442	3,977	408	57
								100%	89.5%	9.2%	1.3%
JANE ADDAMS	6	40	46	41	36	5		5	5		
ALTGELD GARDENS	19	32	51	33	26	7		18	18		
CABRINI HOMES	5	62	67	62	55	7		5	5		
ENGLEWOOD	171	867	1,038	804	600	204		234	228	6	
GARFIELD	101	374	475	355	297	58		120	116	3	1
HENRY HORNER		39	39	39	22	17					
KENWOOD	90	324	414	266	187	79		148	142	5	1
LAWNDALE NORTH	65	579	644	611	434	177		33	28		5
MADISON	33	290	323	307	243	64		16	16		
MICHIGAN	42	575	617	565	440	125		52	44	5	3
NORTHERN	118	1,421	1,539	1,450	1,152	298		89	89		
OAK FOREST HOSPITAL	14	56	70	59	43	16		11	11		
OAKLAND	126	332	458	356	284	72		102	61	41	
PARK MANOR	99	456	555	407	302	105		148	147	1	
SOUTHERN	292	1,163	1,455	1,028	598	430		427	423	4	
SOUTH SUBURBAN	186	481	667	474	241	232	1	193	157	36	
ROBERT TAYLOR HOMES	14	87	101	96	95	1		5	5		
IDA B. WELLS	7	53	60	53	50	3		7	6		1
WEST SUBURBAN	88	229	317	219	162	57		98	91	7	
WESTERN	63	577	640	553	334	219		87	87		
WOODLAWN	70	700	770	676	550	125	1	94	83	6	5
GENERAL ASSISTANCE	553	2,718	3,271	259	225	34		68	68		
NURSING HOME SERVICE	160	329	489	2,684	2,121	563		587	577	10	
HAROLD ICKES HOMES	4	62	66	318	193	125		171	152	19	
ROSWELL GARDENS	4	33	37	59	44	15		7	7		
STATEWAY GARDENS	13	46	59	35	28	7		2	2		
HOSPITAL ASST. SERVICE	710	1,613	2,323	31	24	7		28	28		
COOK COUNTY HOSP. SERV.	887	2,108	2,995	1,492	1,128	364		831	763	61	7
PROTECTIVE PAYEE				2,139	715	1,424		856	618	204	34



RESEARCH AND STATISTICS

REPORT OF OAA APPLICATIONS ACTIVITY
FOR THE MONTH OF MAY, 1973

DISTRICT OFFICES	Brought Forward	Received During Month	On Hand During Month	DISPOSITIONS: Total During Month	Approvals	Denials	Transfers Out	PENDING AT END OF: Total	Less Than 31 Days	31 thru 60 Days
TOTAL	65	409	474	398	305	93		76	76	
JANE ADDAMS	1	1	2	2	1	1				
ALTGELD GARDENS	1	1	2	2	2					
CABRINI HOMES		1	1	1	1					
ENGLEWOOD	4	35	39	30	23	7		9	9	
GARFIELD	2	8	10	7	5	2		3	3	
HENRY HORNER		1	1	1	1					
KENWOOD	5	28	33	18	12	6		15	15	
LOWER NORTH	4	26	30	30	21	9				
MADISON	3	18	21	21	16	5				
MICHIGAN	2	26	28	27	22	5		1	1	
NORTHERN		77	77	77	68	9				
OAK FOREST HOSPITAL		5	5	3	2	1				
OAKLAND	4	15	19	12	8	4		2	2	
PARK MANOR	4	20	24	18	11	7		7	7	
SOUTHERN	8	21	29	21	16	5		6	6	
SOUTH SUBURBAN	6	18	24	18	14	4		8	8	
ROBERT TAYLOR HOMES								6	6	
IDA B. WELLS	1	4	5	4	3	1				
WEST SUBURBAN	3	9	12	9	6	3		1	1	
WESTERN	2	16	18	16	6	10		3	3	
WICKER PARK	6	26	32	30	25	5		2	2	
WOODLAWN	2	12	14	8	6	2		2	2	
GENERAL ASSISTANCE	2	16	18	16	15	1		6	6	
NURSING HOME SERVICE	2	7	9	7	4	3		2	2	
HAROLD ICKES HOMES		5	5	5	4	1		2	2	
ROCKWELL GARDENS	1	1	2	2	2					
STATEWAY GARDENS		1	1							
HOSPITAL ASST. SERVICE	2	11	13	13	11	2		1	1	
COOK COUNTY HOSP. SERV.										
PROTECTIVE PAYEE										

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COOK COUNTY DEPARTMENT OF PUBLIC AID
RESEARCH AND STATISTICS

REPORT OF DA APPLICATIONS ACTIVITY
FOR THE MONTH OF MAY, 1973

DISTRICT OFFICES	Brought Forward	Received During Month	On Hand During Month	DISPOSITIONS				PENDING AT END OF			
				Total During Month	Approvals	Denials	Transfers Out	Total	Less Than 31 Days	31 thru 60 Days	(over 60
TOTAL	2	21	23	22	15	7		1	1		
JANE ADDAMS											
LITTLE GARDENS											
CABRINI HOMES											
ENGLEWOOD											
CARFIELD											
HENRY HORNER		1	1	1	1						
KENWOOD											
LOWER NORTH											
MADISON		1	1	1		1					
MICHIGAN	1	2	3	3	2	1					
NORTHERN		3	3	3	2	1					
OAK FOREST HOSPITAL		2	2	2	2						
OAKLAND											
PARK MANOR		1	1	1	1						
SOUTHERN											
SOUTH SUBURBAN											
ROBERT TAYLOR HOMES		2	2	2		2					
IDA B. WELLS											
WEST SUBURBAN		1	1	1	1						
WESTERN											
WICKER PARK	1	3	4	3	1	2					
WOODLAWN		1	1	1	1			1	1		
GENERAL ASSISTANCE											
NURSING HOME SERVICE		4	4	4	4						
HAROLD ICKES HOMES											
ROCKWELL GARDENS											
STATEWAY GARDENS											
HOSPITAL ASST. SERVICE											
COOK COUNTY HOSP. SERV.											
PROTECTIVE PAYEE											

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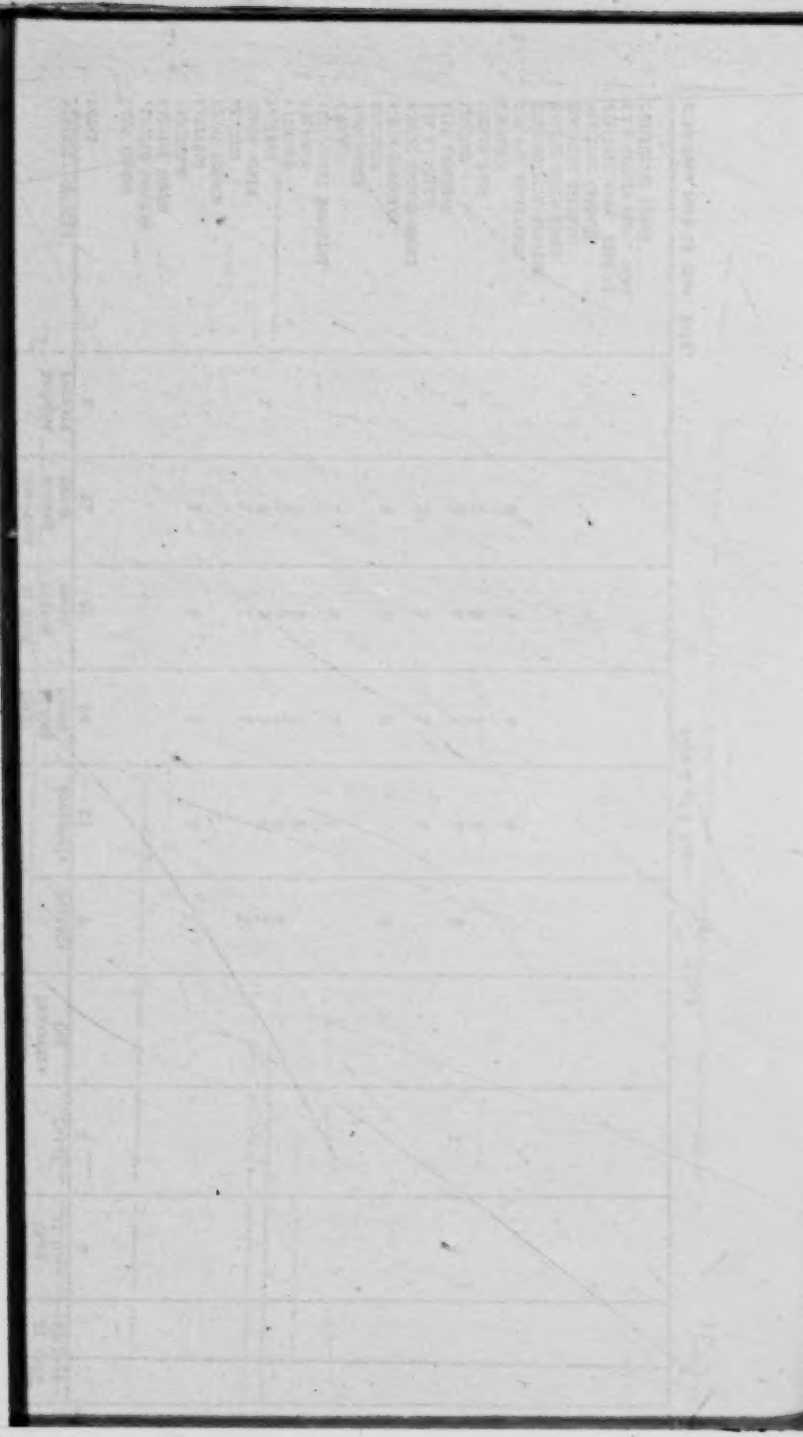

COOK COUNTY DEPARTMENT OF PUBLIC AID
RESEARCH AND STATISTICS

REPORT OF DA APPLICATIONS ACTIVITY
FOR THE MONTH OF MAY, 1973

DISTRICT OFFICES	Brought Forward	Received During Month	On Hand During Month	DISPOSITIONS: Total During Month	Approvals	Denials	Transfers Out	PENDING AT END OF MO: Total	Less Than 31 Days	31 thru 60 Days	(Ac... 60
TOTAL	446	2,347	2,793	2,197	1,777	420		596	538	56	2
JANE ADDAMS	1	2	3	3	3						
ALTGELD GARDENS	1	4	5	4	4						
CABRINI HOMES	1	3	4	4	4						
ENGLEWOOD	33	199	232	157	129	28		75	74	1	
GARFIELD	16	82	98	68	60	8		30	30		
HENRY HORNER		2	2	2	1	1					
KENWOOD	19	83	102	69	59	10		33	32	1	
LOWER NORTH	9	164	173	165	131	34		8	8		
MADISON	7	110	117	108	93	15		9	9		
MICHIGAN	7	104	111	104	90	14		7	7		
NORTHERN	16	350	366	347	292	55		19	19		
OAK FOREST HOSPITAL	4	13	17	13	10	3		4	4		
OAKLAND	22	95	117	106	95	11		11	11		
PARK MANOR	22	89	111	79	65	14		32	32		
SOUTHERN	58	190	248	175	129	46		73	73		
SOUTH SUBURBAN	60	99	159	73	19	54		86	60	26	
ROBERT TAYLOR HOMES	2	9	11	11	11						
IDA B. WELLS	3	8	11	9	9			2	2		
WEST SUBURBAN	21	59	80	50	37	13		30	25	5	
WESTERN	12	103	115	100	59	41		15	15		
WOODLAWN	19	60	79	168	132	36		27	27		
CENTRAL ASSISTANCE	23	187	210	61	58	3		18	18		
NURSING HOME SERVICE	55	69	120	174	172	2		36	36		
HAROLD ICKES HOMES		10	10	66	46	20		54	40	14	
ROSEWELL GARDENS		4	4	8	7	1		2	2		
STATEWAY GARDENS	2	2	4	4	3	1					
HOSPITAL ASST. SERVICE	22	67	89	2	1	1		2	2		
COOK COUNTY HOSP. SERV.				67	58	9		22	11	9	2
PROTECTIVE PAYEE											

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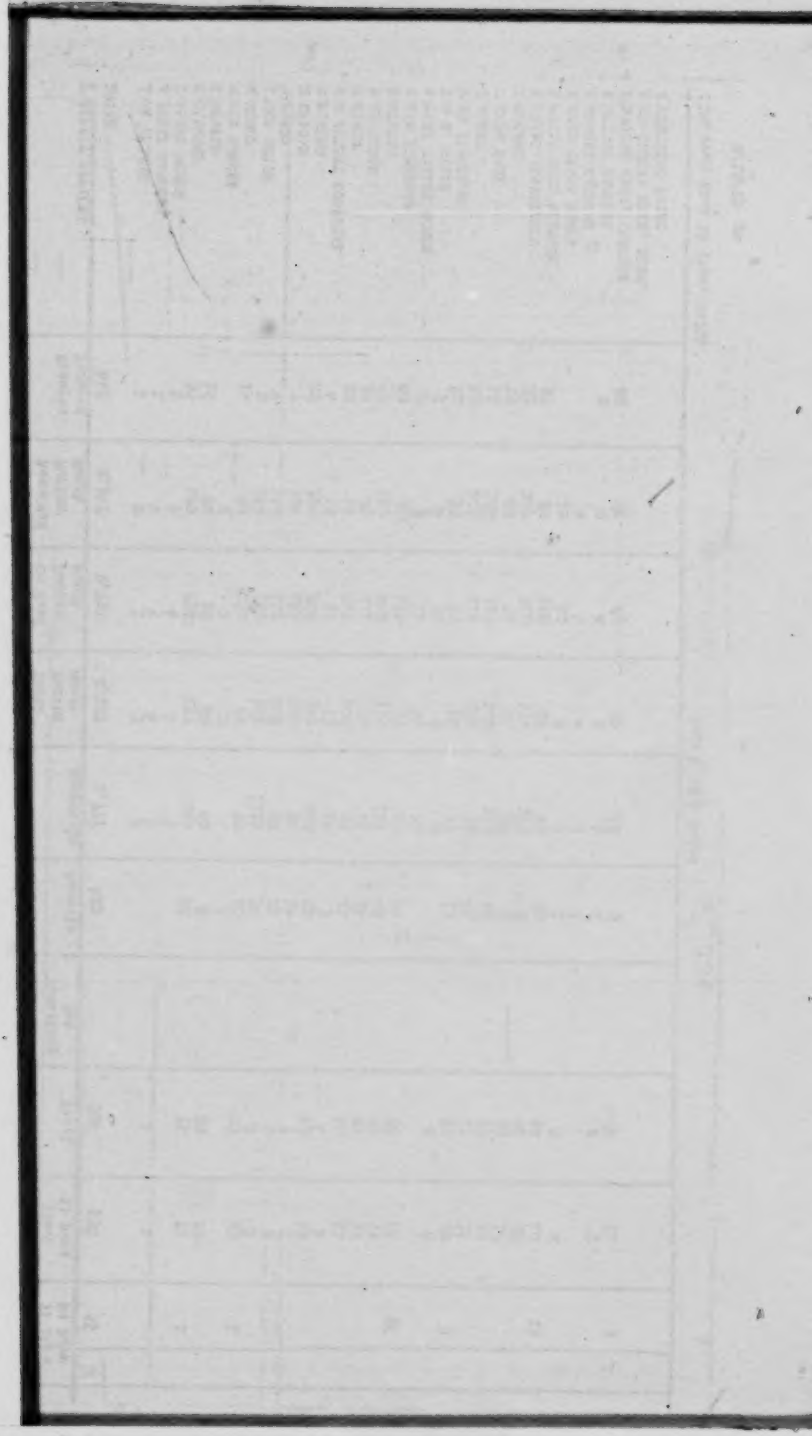

COOK COUNTY DEPARTMENT OF PUBLIC AID
RESEARCH AND STATISTICS

REPORT OF AFDC APPLICATIONS ACTIVITY
FOR THE MONTH OF MAY, 1973

DISTRICT OFFICES	Brought Forward	Received During Month	On Hand During Month	DISPOSITIONS: Total During Month	Approvals	Denials	Transfers Out	PENDING AT END OF: Total	Less Than 31 Days	31 thru 60 Days
TOTAL	776	4,902	5,678	4,711	3,384	1,327	-	967	960	6
JANE ADDAMS	-	-	-	-	-	-	-	-	-	-
AUSTIN GARDENS	2	15	17	16	15	1	-	1	1	-
CABRINI HOMES	6	18	24	12	10	2	-	12	12	-
ENGLEWOOD	3	32	35	33	29	4	-	2	2	-
GARFIELD	78	431	509	384	293	91	-	125	125	-
HENRY HORNER	54	184	238	182	149	33	-	56	56	-
KENWOOD	-	19	19	19	11	8	-	-	-	-
LAWNDALE NORTH	36	118	154	100	68	32	-	54	54	-
MADISON	25	266	291	285	182	103	-	6	6	-
MICHIGAN	14	87	101	98	68	30	-	3	3	-
NORTHERN	13	322	335	320	239	81	-	15	15	-
OAK FORREST HOSPITAL	45	679	724	678	519	159	-	46	46	-
OAKLAND	-	-	-	-	-	-	-	-	-	-
PARK MANOR	35	117	152	134	95	39	-	18	18	-
SOUTHERN	52	273	325	252	192	60	-	73	73	-
SOUTH SUBURBAN	177	714	884	626	339	287	-	258	258	-
ROBERT TAYLOR HOMES	77	294	371	301	171	130	-	70	70	-
IDA B. WELLS	7	46	53	51	50	1	-	2	2	-
WEST SUBURBAN	1	22	23	21	19	2	-	2	2	-
WESTERN	59	137	187	136	105	31	-	51	51	-
WICKER PARK	12	327	339	281	168	113	-	58	58	-
WOODLAWN	21	362	383	352	292	60	-	31	31	-
GENERAL ASSISTANCE	35	120	155	129	109	20	-	26	26	-
NURSING HOME SERVICE	19	164	183	172	167	5	-	11	11	-
HAROLD ICKES HOMES	-	-	-	-	-	-	-	-	-	-
ROSEWELL GARDENS	2	27	29	26	20	6	-	3	3	-
STATEWAY GARDENS	2	16	18	17	13	4	-	1	1	-
HOSPITAL ASST. SERVICE	4	20	24	13	11	2	-	11	11	-
COOK COUNTY HOSP. SERV.	13	92	105	73	50	23	-	32	25	6
PROTECTIVE PAYEE	-	-	-	-	-	-	-	-	-	-

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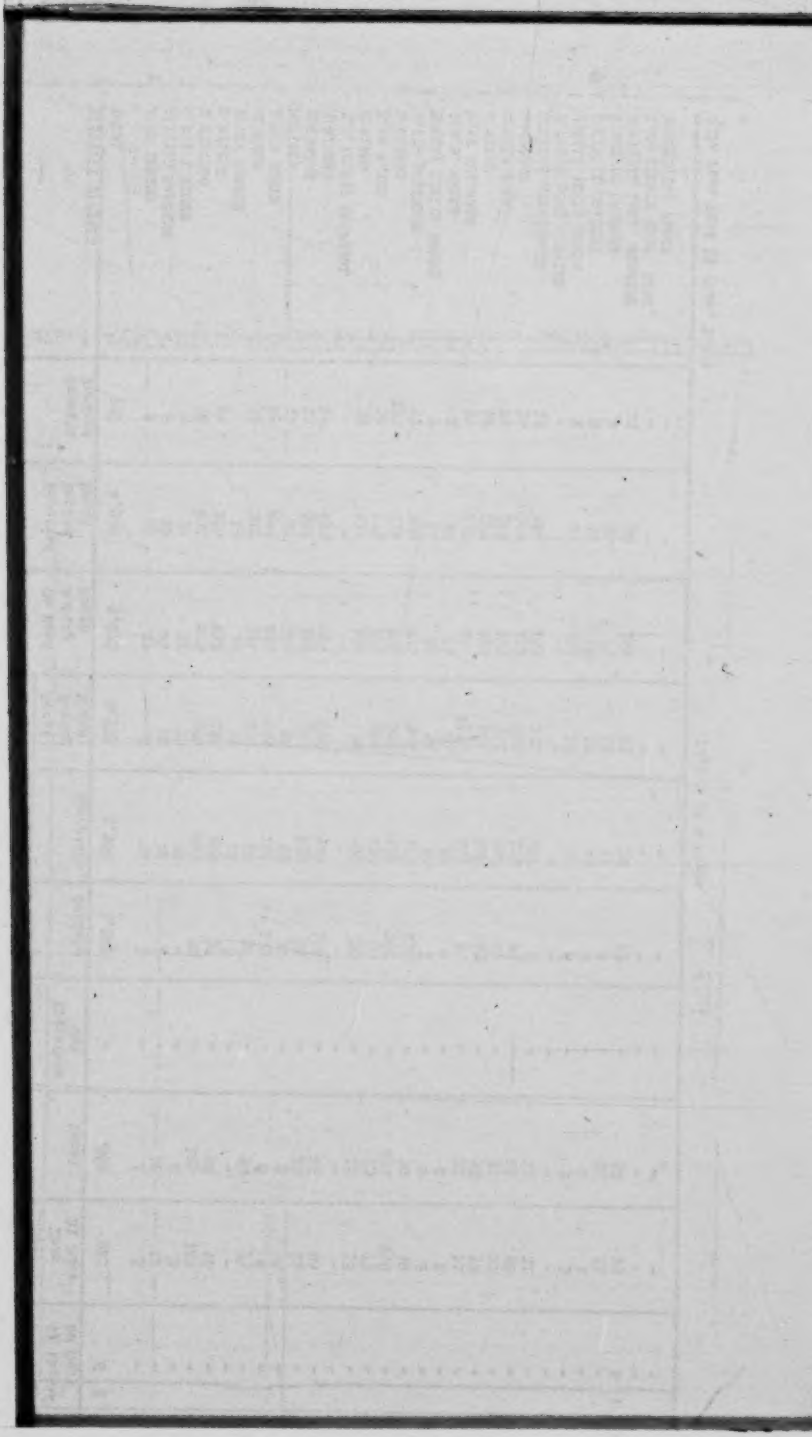

COOK COUNTY DEPARTMENT OF PUBLIC AID
RESEARCH AND STATISTICS

REPORT OF GA APPLICATIONS ACTIVITY
FOR THE MONTH OF MAY, 1973

DISTRICT OFFICES	Brought Forward	Received During Month	On Hand During Month	DISPOSITIONS: Total During Month	Approvals	Denials	Transfers Out	PENDING AT END OF M: Total	Less Than 31 Days	31 thru 60 Days
TOTAL	723	3,791	4,514	3,749	2,890	858	1	765	754	11
JANE ADDAMS										
ARCHER GARDENS	2	16	18	16	14	2		2	2	
ALTGELD HOMES	6	6	12	10	5	5		2	2	
ENGLEWOOD	1	20	21	20	20			1	1	
GARFIELD	23	134	157	153	117	36		4	4	
HENRY HORNER	18	85	103	83	72	11		20	19	1
KENWOOD		14	14	14	9	5				
LAWNDALE NORTH	14	71	85	60	40	20		25	25	
MADISON	4	108	112	105	81	24		7	7	
MICHIGAN	3	63	66	63	56	7		3	3	
NORTHERN	6	83	89	78	69	9		11	11	
OAK FOREST HOSPITAL	25	166	191	169	141	28		22	22	
OAKLAND										
PARK MANOR	15	81	96	84	70	14		12	12	
SOUTHERN	7	48	55	33	24	9		22	22	
SOUTH SUBURBAN	30	175	205	153	91	62		52	52	
ROBERT TAYLOR HOMES										
IDA B. WELLS	3	30	33	31	31			2	2	
WEST SUBURBAN		14	14	14	14					
WESTERN										
WICKER PARK	27	97	124	116	85	31		8	8	
WOODLAWN	10	104	114	104	89	14		10	10	
GENERAL ASSISTANCE	14	39	53	44	43	1	1	9	9	
NURSING HOME SERVICE	599	2,339	2,848	2,310	1,757	553		538	528	10
HAROLD ICKES HOMES										
RAMSELL GARDENS	1	16	17	16	10	6		1	1	
STATEWAY GARDENS		8	8	8	7	1				
HOSPITAL ASST. SERVICE	4	20	24	12	9	3		12	12	
COOK COUNTY HOSP. SERV.	2	54	55	53	36	17		2	2	
PROTECTIVE PAYEE										

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COOK COUNTY DEPARTMENT OF PUBLIC AID
RESEARCH AND STATISTICS

REPORT OF MA-NG APPLICATION ACTIVITY (Except DA)
FOR THE MONTH OF MAY, 1973

DISTRICT OFFICES	Brought Forward	Received During Month	On Hand During Month	DISPOSITIONS				PENDING AT END OF MONTH			
				Total During Month	Approvals	Denials	Transfers Out	Total	Less Than 31 Days	31 thru 60 Days	Over 60 Days
TOTAL	598	1,866	2,464	1,781	1,059	721	1	683	602	72	9
JANE ADDAMS	—	2	2	2	1	1					
ALTGELD GARDENS	3	3	6	3	3			3	3		
CABRINI HOMES		5	5	4	1	3		1	1		
ENGLEWOOD	4	48	52	45	23	22		7	7		
GARFIELD	4	11	15	10	7	3		5	5		
HENRY HORNER	—	1	1	1		1					
HYDEWOOD	5	13	18	10	5	5		8	8		
LOWER NORTH	3	8	11	9	5	4		2	1		1
MADISON	2	7	9	9	5	4					
MICHIGAN	2	22	24	18	9	9		6	6		
NORTHERN	2	105	107	106	84	22		1	1		
OAK FOREST HOSPITAL	9	31	40	37	29	8		3	3		
OAKLAND	2	20	22	16	13	3		6	6		
PARK MANOR	7	11	18	12	7	5		6	6		
SOUTHERN	10	32	42	27	16	11		15	15		
SOUTH SUBURBAN	20	41	61	50	22	27	1	11	11		
ROBERT TAYLOR HOMES	2	1	3	3	3						
IDA B. WELLS	1	3	4	4	4						
WEST SUBURBAN	7	14	21	16	10	6		5	5		
WESTERN	3	19	22	22	10	12					
WICKER PARK	4	16	20	16	9	7		4	3	1	
WOODLAWN	4	9	13	8	5	3		5	5		
GENERAL ASSISTANCE		3	3	3	2	1					
NURSING HOME SERVICE	76	216	292	209	119	90		83	83		
HAROLD ICKES HOMES		2	2	2	2						
ARCHWELL GARDENS		2	2	2	2						
SKYLINE GARDENS	2	2	4	3	2	1		1	1		
HOSPITAL ASST. SERVICE	189	540	729	489	382	107		240	232	7	1
COOK COUNTY HOSP. SERV.	237	679	916	645	279	366		271	200	64	7
PROTECTIVE PAYEE											

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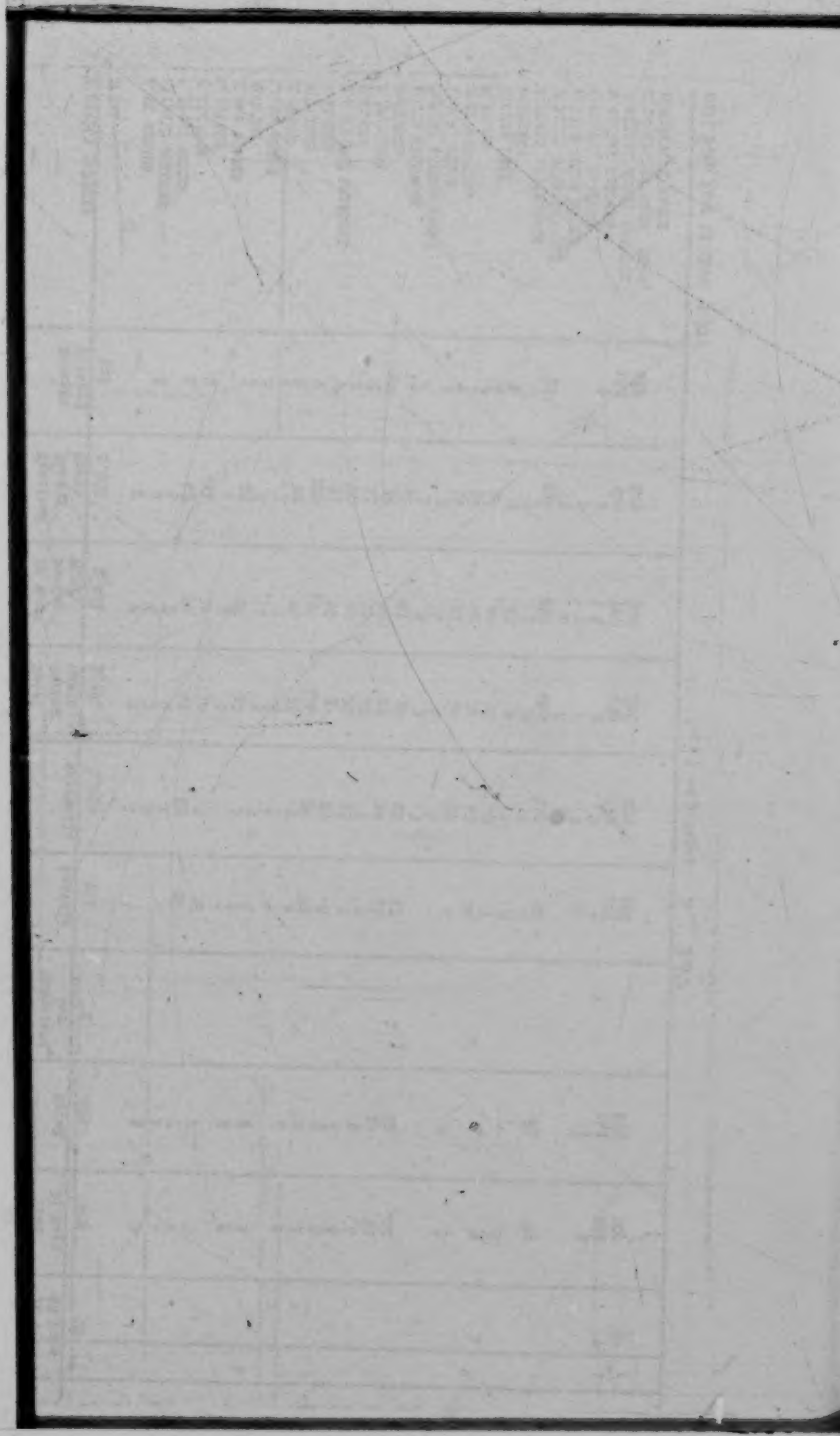

RESEARCH AND STATISTICS

REPORT OF MA-NG APPLICATIONS ACTIVITY (DA Only)
FOR THE MONTH OF MAY, 1973

Over 60

DISTRICT OFFICES	Brought Forward	Received During Month	On Hand During Month	DISPOSITIONS: Total During Month	Approvals	Denials	Transfers Out	PENDING AT END OF: Total	Less Than 31 Days	31 thru 60 Days	
TOTAL	737	1,223	1,960	1,197	590	607		763	562	171	30
JANE ADDAMS		4	4	2	2						
ALTGELD GARDENS	2		2	2	2			2	2		
CABRINI HOMES		1	1								
ENGLEWOOD	29	20	49	35	15	20		1	1		
GARFIELD	7	3	10	4	3	1		14	9	5	
HENRY HORNER		2	2	2		2		6	3	2	1
HENWOOD	11	11	22	9	3	6					
LOWER NORTH	20	6	26	11	14	2		13	8	4	1
MADISON	3	3	6	5	3	2		10	6		4
MICHIGAN	12	15	27	15	9	6		1	1		
NORTHERN	30	37	67	66	43	23		12	4	5	3
OAK FOREST HOSPITAL	1	7	8	6	2	4		1	1		
OAKLAND	48	3	51	3	2	1		2	2		
PARK MANOR	6	15	21	13	3	10		48	7	41	
SOUTHERN	16	31	47	26	7	19		8	8		
SOUTH SUBURBAN	23	27	50	30	15	15		21	17	4	
ROBERT TAYLOR HOMES		1	1					20	10	10	
IDA B. WELLS	1	1	2					1	1		
WEST SUBURBAN	7	10	17	8	4	4		2	1		
WESTERN	6	12	18	15	5	10		9	7	2	
WICKER PARK	18	7	25	5	2	3		3	3		
WOODLAWN	5	8	13	9	4	5		20	10	5	5
GENERAL ASSISTANCE		5	5	5	4	1		4	4		
NURSING HOME SERVICE	27	41	68	36	24	12					
HAROLD ICKES HOMES	1	2	3	2	1	1		32	27	5	
ROSEWELL GARDENS	1	2	3	2	1	1		1	1		
STATEWAY GARDENS	1	1	2	1	1			1	1		
HOSPITAL ASST. SERVICE	334	414	748	385	307	78		1	1		
COOK COUNTY HOSP. SERV.	128	534	662	495	114	381		363	330	30	3
PROTECTIVE PAYEE								167	97	58	12

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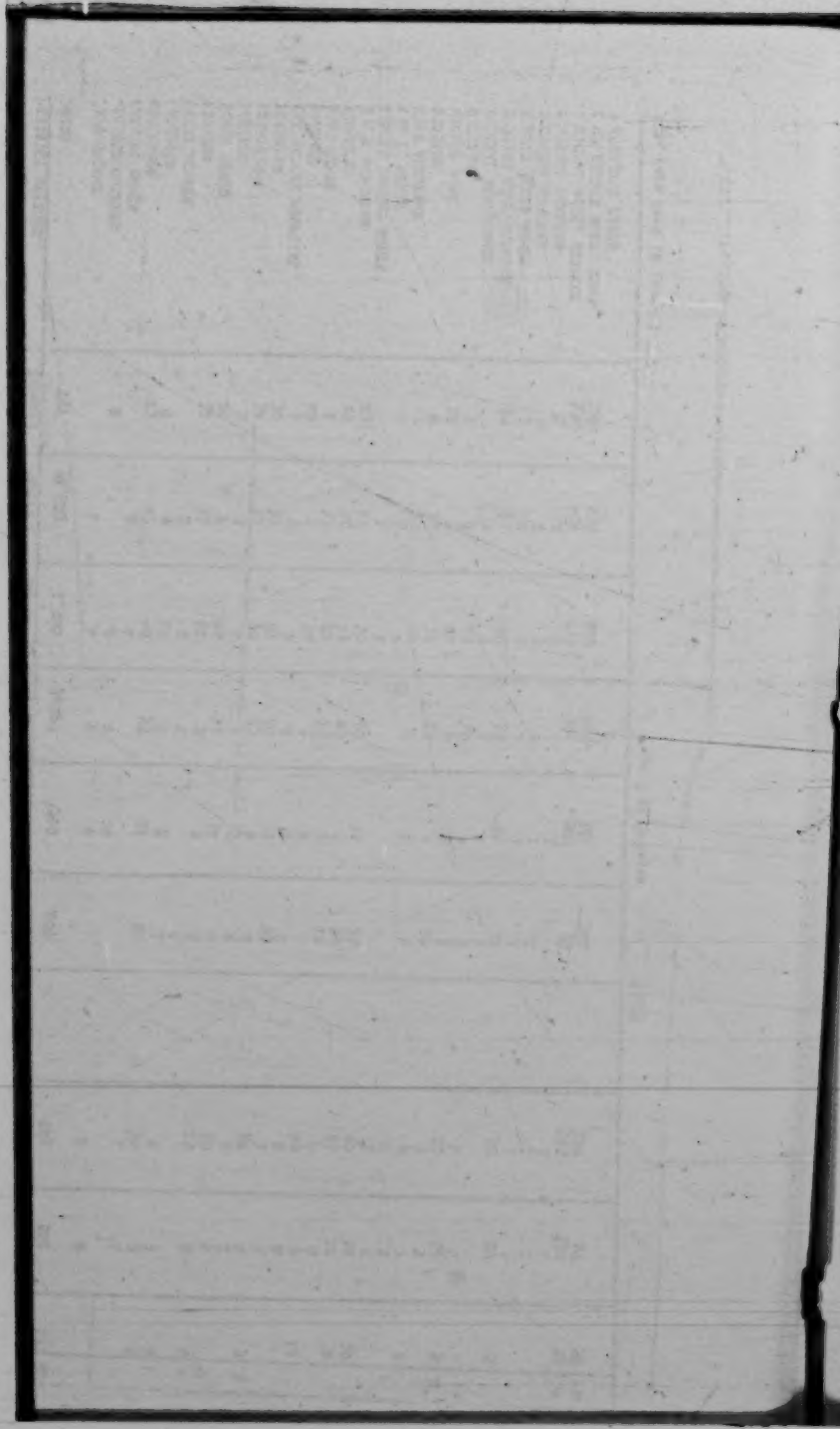

COOK COUNTY DEPARTMENT OF PUBLIC AID
RESEARCH AND STATISTICS
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REPORT OF AMIV APPLICATIONS ACTIVITY
FOR THE MONTH OF MAY, 1973

DISTRICT OFFICES	Brought Forward	Received During Month	On Hand During Month	DISPOSITIONS: Total During Month	Approvals	Denials	Transfers Out	PENDING AT END OF: Total	Less Than 31 Days	31 thru 60 Days
TOTAL	672	1,335	2,007	1,416	609	807		591	484	92
JANE ADDAMS										
ARCHER GARDENS										
CABRINI HOMES										
ENGLEWOOD										
GARFIELD										
HENRY HORNER										
KENWOOD										
LAKE NORTH										
MADISON										
MICHIGAN										
NORTHERN										
OAK FOREST HOSPITAL		5	5	5	3	2				
OAKLAND										
PARK MANOR										
SOUTHERN	1		1					1		1
SOUTH SUBURBAN										
ROBERT TAYLOR HOMES										
IDA B. WELLS										
WEST SUBURBAN										
WESTERN										
WICKER PARK										
WOODLAWN										
GENERAL ASSISTANCE										
NURSING HOME SERVICE										
HAROLD ICKES HOMES										
ROCKWELL GARDENS										
STATEWAY GARDENS										
HOSPITAL ASST. SERVICE	149	435	584	412	284	128		172	163	9
COOK COUNTY HOSP. SERV.*	522	895	1,417	999	322	677		418	321	82
PROTECTIVE PAYEE										

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